

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0135.01 Jane Ritter x4342

HOUSE BILL 14-1253

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HOUSE SPONSORSHIP

McCann, Kraft-Tharp, Young

SENATE SPONSORSHIP

Newell,

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House Committees

Health, Insurance, & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING IMPLEMENTING THE RECOMMENDATIONS OF THE 2013  
102 CIVIL COMMITMENT STATUTE REVIEW TASK FORCE.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill consolidates administrative provisions related to substance misuse or substance use disorders evaluation and treatment through emergency holds and extended-care certifications into a single statutory article. Currently, provisions for 5-day emergency holds and short-term and long-term certification for alcohol treatment are found in one

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

statutory article, while similar provisions for 5-day emergency holds and short-term and long-term certification for drugs and other substances are found in another statutory article. The bill combines the 2 articles and creates a single process for emergency holds and short-term and long-term treatment for substance misuse and substance use disorders.

The bill adds revised definitions for "danger to self or others" and "gravely disabled" as approved by the 2013 civil commitment statute review task force.

The option for a jury trial for a certification for either a mental health or substance misuse hold is removed.

The term "imminent" is removed from "imminent danger" from the section concerning an emergency hold related to a mental illness.

Language is added to encourage treatment facilities to inquire about whether an individual has an advance directive for persons with a behavioral health illness at the time of admission and, if so, to refer to such advance directive and take it into account if medically appropriate.

The bill makes conforming amendments.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 27-65-102, **repeal**  
3 **and reenact, with amendments,** (4.5) as follows:

4 **27-65-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (4.5) "DANGER TO SELF OR OTHERS" MEANS:

7 (a) WITH RESPECT TO AN INDIVIDUAL, THAT THE INDIVIDUAL POSES  
8 A SUBSTANTIAL RISK OF PHYSICAL HARM TO HIMSELF OR HERSELF AS  
9 MANIFESTED BY EVIDENCE OF RECENT THREATS OF OR ATTEMPTS AT  
10 SUICIDE OR SERIOUS BODILY HARM TO HIMSELF OR HERSELF; OR

11 (b) WITH RESPECT TO OTHER PERSONS, THAT THE INDIVIDUAL  
12 POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANOTHER PERSON OR  
13 PERSONS, AS MANIFESTED BY EVIDENCE OF RECENT HOMICIDAL OR OTHER  
14 VIOLENT BEHAVIOR DIRECTED TOWARDS ANOTHER PERSON OR PERSONS BY  
15 THE INDIVIDUAL IN QUESTION, OR BY EVIDENCE THAT ANOTHER PERSON OR  
16 PERSONS ARE PLACED IN REASONABLE FEAR OF VIOLENT BEHAVIOR OR

1 SERIOUS PHYSICAL HARM, AS MANIFESTED BY A RECENT OVERT ACT,  
2 ATTEMPT, OR THREAT TO DO SERIOUS PHYSICAL HARM BY THE INDIVIDUAL  
3 IN QUESTION.

4 **SECTION 2.** In Colorado Revised Statutes, 27-65-102, **amend**  
5 **as it will become effective July 1, 2014,** (9) as follows:

6 **27-65-102. Definitions.** As used in this article, unless the context  
7 otherwise requires:

8 (9) (a) "Gravely disabled" means a condition in which a person,  
9 as a result of a mental ~~health disorder, is incapable of making informed~~  
10 ~~decisions about or providing for his or her essential needs without~~  
11 ~~significant supervision and assistance from other people. As a result of~~  
12 ~~being incapable of making these informed decisions, a person who is~~  
13 ~~gravely disabled is at risk of substantial bodily harm, dangerous~~  
14 ~~worsening of any concomitant serious physical illness, significant~~  
15 ~~psychiatric deterioration, or mismanagement of his or her essential needs~~  
16 ~~that could result in substantial bodily harm. A person of any age may be~~  
17 ~~"gravely disabled", but such term does not include a person whose~~  
18 ~~decision-making capabilities are limited solely by his or her~~  
19 ~~developmental disability.~~ ILLNESS:

20 (I) IS IN DANGER OF SERIOUS PHYSICAL HARM DUE TO HIS OR HER  
21 INABILITY OR FAILURE TO PROVIDE HIMSELF OR HERSELF WITH THE  
22 ESSENTIAL HUMAN NEEDS OF FOOD, CLOTHING, SHELTER, AND MEDICAL  
23 CARE; OR

24 (II) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER  
25 RESOURCES AND IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO  
26 THE EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY  
27 ENDANGERED AND LACKS THE CAPACITY TO UNDERSTAND THAT THIS IS SO.

1 (b) A PERSON WHO, BECAUSE OF CARE PROVIDED BY A FAMILY  
2 MEMBER OR BY AN INDIVIDUAL WITH A SIMILAR RELATIONSHIP TO THE  
3 PERSON, IS NOT IN DANGER OF SERIOUS PHYSICAL HARM OR IS NOT  
4 SIGNIFICANTLY ENDANGERED IN ACCORDANCE WITH PARAGRAPH (a) OF  
5 THIS SUBSECTION (9) MAY BE DEEMED "GRAVELY DISABLED" IF THERE IS  
6 NOTICE GIVEN THAT THE SUPPORT GIVEN BY THE FAMILY MEMBER OR  
7 OTHER INDIVIDUAL WHO HAS A SIMILAR RELATIONSHIP TO THE PERSON IS  
8 TO BE TERMINATED AND THE INDIVIDUAL WITH A MENTAL ILLNESS:

9 (I) IS DIAGNOSED BY A PROFESSIONAL PERSON AS SUFFERING FROM:  
10 SCHIZOPHRENIA; A MAJOR AFFECTIVE DISORDER; A DELUSIONAL  
11 DISORDER; OR ANOTHER MENTAL DISORDER WITH PSYCHOTIC FEATURES;  
12 AND

13 (II) HAS BEEN CERTIFIED, PURSUANT TO THIS ARTICLE, FOR  
14 TREATMENT OF THE DISORDER OR HAS BEEN ADMITTED AS AN INPATIENT  
15 TO A TREATMENT FACILITY FOR TREATMENT OF THE DISORDER AT LEAST  
16 TWICE DURING THE LAST THIRTY-SIX MONTHS WITH A PERIOD OF AT LEAST  
17 THIRTY CALENDAR DAYS BETWEEN CERTIFICATIONS OR ADMISSIONS; AND

18 (III) IS EXHIBITING A DETERIORATING COURSE LEADING TOWARD  
19 DANGER TO SELF OR OTHERS OR TOWARD THE CONDITIONS DESCRIBED IN  
20 PARAGRAPH (a) OF THIS SUBSECTION (9) WITH SYMPTOMS AND BEHAVIOR  
21 THAT ARE SUBSTANTIALLY SIMILAR TO THOSE THAT PRECEDED AND WERE  
22 ASSOCIATED WITH HIS OR HER HOSPITAL ADMISSIONS OR CERTIFICATIONS  
23 FOR TREATMENT; AND

24 (IV) IS NOT RECEIVING TREATMENT THAT IS ESSENTIAL FOR HIS OR  
25 HER HEALTH OR SAFETY.

26 (c) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT  
27 SUCH TERM SHALL NOT INCLUDE A PERSON WHOSE DECISION-MAKING

1 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL  
2 DISABILITY.

3 (d) FOR PURPOSES OF PARAGRAPH (b) OF THIS SUBSECTION (9), AN  
4 INDIVIDUAL WITH A RELATIONSHIP TO A PERSON THAT IS SIMILAR TO THAT  
5 OF A FAMILY MEMBER SHALL NOT INCLUDE AN EMPLOYEE OR AGENT OF A  
6 BOARDING HOME OR TREATMENT FACILITY.

7 **SECTION 3.** In Colorado Revised Statutes, 27-65-102, **repeal**  
8 **and reenact, with amendments,** (9) as follows:

9 **27-65-102. Definitions.** As used in this article, unless the context  
10 otherwise requires:

11 (9) (a) "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A  
12 PERSON:

13 (I) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER  
14 RESOURCES OR IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO THE  
15 EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY  
16 ENDANGERED; OR

17 (II) IS INCAPABLE OF MAKING INFORMED DECISIONS ABOUT, OR  
18 PROVIDING FOR, HIS OR HER ESSENTIAL NEEDS WITHOUT SIGNIFICANT  
19 SUPERVISION OR ASSISTANCE FROM OTHER PEOPLE, DOES NOT HAVE, OR  
20 HAS LOST, OR IS AT RISK OF LOSING, NECESSARY CARE AND SUPPORT  
21 WITHOUT WHICH THE PERSON CANNOT FUNCTION SAFELY, AND, AS A  
22 RESULT, IS AT RISK OF:

23 (A) SUBSTANTIAL BODILY HARM;

24 (B) DANGEROUS WORSENING OF ANY CONCOMITANT SERIOUS  
25 PHYSICAL ILLNESS;

26 (C) SIGNIFICANT DETERIORATION IN MENTAL FUNCTIONING;

27 (D) MISMANAGEMENT OF HIS OR HER ESSENTIAL NEEDS THAT

1 COULD RESULT IN SUBSTANTIAL BODILY HARM, INCLUDING BUT NOT  
2 LIMITED TO NOURISHMENT, SAFE SHELTER, MEDICAL NEEDS, AND  
3 CLOTHING; OR

4 (E) DESTRUCTION OF PROPERTY THAT COULD RESULT IN  
5 SUBSTANTIAL BODILY HARM.

6 **SECTION 4.** In Colorado Revised Statutes, 27-65-103, **amend**  
7 (7) (b) and (7) (d) as follows:

8 **27-65-103. Voluntary applications for mental health services.**

9 (7) (b) If, twenty-four hours after being informed of the results of the  
10 review specified in paragraph (a) of this subsection (7), a minor continues  
11 to affirm the objection to hospitalization, THE DIRECTOR OF THE FACILITY,  
12 OR HIS OR HER DESIGNEE, SHALL ADVISE the minor ~~shall be advised by the~~  
13 ~~director of the facility or his or her duly appointed representative that the~~  
14 ~~minor~~ THAT HE OR SHE has the right to retain and consult with an attorney  
15 at any time and that the director, or his or her ~~duly appointed~~  
16 ~~representative~~ DESIGNEE, shall file, within three CALENDAR days after the  
17 request of the minor, a statement requesting an attorney for the minor or,  
18 if the minor is under fifteen years of age, a guardian ad litem. The minor,  
19 his or her attorney, if any, and his or her parent, legal guardian, or  
20 guardian ad litem, if any, shall also be given written notice that a hearing  
21 upon the recommendation for continued hospitalization may be had  
22 before the court ~~or a jury~~ upon written request directed to the court  
23 pursuant to paragraph (d) of this subsection (7).

24 (d) The minor or his or her attorney or guardian ad litem may, at  
25 any time after the minor has continued to affirm his or her objection to  
26 hospitalization pursuant to paragraph (b) of this subsection (7), file a  
27 written request that THE COURT REVIEW the recommendation for

1 continued hospitalization ~~be reviewed by the court~~ or that the treatment  
2 be on an outpatient basis. If review is requested, the court shall hear the  
3 matter within ten CALENDAR days after the request, and the court shall  
4 give notice to the minor, his or her attorney, if any, his or her parents or  
5 legal guardian, his or her guardian ad litem, if any, the independent  
6 professional person, and the minor's treating team of the time and place  
7 thereof. The hearing shall be held in accordance with section 27-65-111;  
8 except that the court ~~or jury~~ shall determine that the minor is in need of  
9 care and treatment if the court ~~or jury~~ makes the following findings: That  
10 the minor has a mental illness and is in need of hospitalization; that a less  
11 restrictive treatment alternative is inappropriate or unavailable; and that  
12 hospitalization is likely to be beneficial. At the conclusion of the hearing,  
13 the court may enter an order confirming the recommendation for  
14 continued hospitalization, discharge the minor, or enter any other  
15 appropriate order.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 27-65-104.5 as  
17 follows:

18 **27-65-104.5. Advance directives for persons with behavioral**  
19 **health illnesses.** AN APPROVED TREATMENT FACILITY IS ENCOURAGED TO  
20 INQUIRE WHETHER AN INDIVIDUAL WHO IS BEING ADMITTED TO THE  
21 FACILITY PURSUANT TO SECTION 27-65-103, 27-65-105, 27-65-106,  
22 27-65-107, 27-65-108, OR 27-65-109 HAS AN ADVANCE DIRECTIVE FOR A  
23 PERSON WITH A BEHAVIORAL HEALTH ILLNESS. IF THE PERSON BEING  
24 ADMITTED HAS AN ADVANCE DIRECTIVE FOR A PERSON WITH A  
25 BEHAVIORAL HEALTH ILLNESS, THE APPROVED TREATMENT FACILITY  
26 SHALL TAKE THE PROVISIONS OF SUCH ADVANCE DIRECTIVE INTO ACCOUNT  
27 IN ITS EVALUATION AND TREATMENT IF THE PROVISIONS ARE MEDICALLY

1 APPROPRIATE FOR CARE.

2 **SECTION 6.** In Colorado Revised Statutes, 27-65-105, **amend**  
3 (1) (a) (I), (1) (b), and (3) as follows:

4 **27-65-105. Emergency procedure.** (1) Emergency procedure  
5 may be invoked under either one of the following two conditions:

6 (a) (I) When any person appears to have a mental illness and, as  
7 a result of such mental illness, appears to be ~~an imminent~~ A danger to  
8 SELF OR others ~~or to himself or herself~~ or appears to be gravely disabled,  
9 then a person specified in subparagraph (II) of this paragraph (a), each of  
10 whom is referred to in this section as the "intervening professional", upon  
11 probable cause and with such assistance as may be required, may take the  
12 person into custody, or cause the person to be taken into custody, and  
13 placed in a facility designated or approved by the executive director for  
14 a seventy-two-hour treatment and evaluation.

15 (b) Upon an affidavit sworn to or affirmed before a judge that  
16 relates sufficient facts to establish that a person appears to have a mental  
17 illness and, as a result of the mental illness, appears to be ~~an imminent~~ A  
18 danger to SELF OR others ~~or to himself or herself~~ or appears to be gravely  
19 disabled, the court may order the person described in the affidavit to be  
20 taken into custody and placed in a facility designated or approved by the  
21 executive director for a seventy-two-hour treatment and evaluation.  
22 Whenever in this article a facility is to be designated or approved by the  
23 executive director, hospitals, if available, shall be approved or designated  
24 in each county before other facilities are approved or designated.  
25 Whenever in this article a facility is to be designated or approved by the  
26 executive director as a facility for a stated purpose and the facility to be  
27 designated or approved is a private facility, the consent of the private



1 facility to the enforcement of standards set by the executive director shall  
2 be a prerequisite to the designation or approval.

3 (3) Such facility shall require an application in writing, stating the  
4 circumstances under which the person's condition was called to the  
5 attention of the intervening professional and further stating sufficient  
6 facts, obtained from the personal observations of the intervening  
7 professional or obtained from others whom he or she reasonably believes  
8 to be reliable, to establish that the person has a mental illness and, as a  
9 result of the mental illness, is ~~an imminent~~ A danger to SELF OR others ~~or~~  
10 ~~to himself or herself~~ or is gravely disabled. The application shall indicate  
11 when the person was taken into custody and who brought the person's  
12 condition to the attention of the intervening professional. A copy of the  
13 application shall be furnished to the person being evaluated, and the  
14 application shall be retained in accordance with the provisions of section  
15 27-65-121 (4).

16 **SECTION 7.** In Colorado Revised Statutes, 27-65-107, **amend**  
17 (3) as follows:

18 **27-65-107. Certification for short-term treatment.** (3) Within  
19 twenty-four hours of certification, copies of the certification shall be  
20 personally delivered to the respondent, and a copy shall be kept by the  
21 evaluation facility as part of the person's record. The respondent shall also  
22 be asked to designate one other person whom he or she wishes informed  
23 regarding certification. If he or she is incapable of making such a  
24 designation at the time the certification is delivered, he or she shall be  
25 asked to designate such person as soon as he or she is capable. In addition  
26 to the copy of the certification, the respondent shall be given a written  
27 notice that a hearing upon his or her certification for short-term treatment

1 may be had before the court ~~or a jury~~ upon written request directed to the  
2 court pursuant to subsection (6) of this section.

3 **SECTION 8.** In Colorado Revised Statutes, 27-65-109, **amend**  
4 (4) and (5); and **repeal** (3) as follows:

5 **27-65-109. Long-term care and treatment of persons with**  
6 **mental illness.** (3) ~~Within ten days after receipt of the petition, the~~  
7 ~~respondent or his or her attorney may request a jury trial by filing a~~  
8 ~~written request therefor with the court.~~

9 (4) The court ~~or jury~~ shall determine whether the conditions of  
10 subsection (1) of this section are met and whether the respondent has a  
11 mental illness and, as a result of the mental illness, is a danger to SELF OR  
12 others ~~or to himself or herself~~ or is gravely disabled. The court shall  
13 thereupon issue an order of long-term care and treatment for a term not  
14 to exceed six months, or it shall discharge the respondent for whom  
15 long-term care and treatment was sought, or it shall enter any other  
16 appropriate order, subject to available appropriations. An order for  
17 long-term care and treatment ~~shall~~ MUST grant custody of the respondent  
18 to the department for placement with an ~~agency~~ or APPROVED TREATMENT  
19 facility. ~~designated by the executive director to provide long-term care~~  
20 ~~and treatment.~~ When a petition contains a request that a specific legal  
21 disability be imposed or that a specific legal right be deprived, the court  
22 may order the disability imposed or the right deprived if it. ~~or a jury has~~  
23 ~~determined that the respondent has a mental illness or is gravely disabled~~  
24 ~~and that, by reason thereof, the person is unable to competently exercise~~  
25 ~~said right or perform the function as to which the disability is sought to~~  
26 ~~be imposed.~~ Any interested person may ask leave of the court to intervene  
27 ~~as a copetitioner for the purpose of seeking the imposition of a legal~~

1 ~~disability or the deprivation of a legal right.~~

2 (5) An original order of long-term care and treatment or any  
3 extension of such order ~~shall expire~~ EXPIRES upon the date specified  
4 therein, unless further extended as provided in this subsection (5). If an  
5 extension is being sought, the professional person in charge of the  
6 evaluation and treatment shall certify to the court at least thirty CALENDAR  
7 days prior to the expiration date of the order in force that an extension of  
8 the order is necessary for the care and treatment of the respondent subject  
9 to the order in force, and a copy of the certification shall be delivered to  
10 the respondent and simultaneously mailed to his or her attorney of record.  
11 At least twenty CALENDAR days before the expiration of the order, the  
12 court shall give written notice to the respondent and his or her attorney of  
13 record that a hearing upon the extension may be had before the court ~~or~~  
14 ~~a jury~~ upon written request to the court within ten CALENDAR days after  
15 receipt of the notice. If ~~no~~ A hearing is NOT requested by the respondent  
16 within such time, the court may proceed ex parte. If a hearing is timely  
17 requested, it ~~shall~~ MUST be held before the expiration date of the order in  
18 force. If the court ~~or jury~~ finds that the conditions of subsection (1) of this  
19 section continue to be met and that the respondent has a mental illness  
20 and, as a result of the mental illness, is a danger to SELF OR others ~~or to~~  
21 ~~himself or herself~~ or is gravely disabled, the court shall issue an extension  
22 of the order. Any extension shall be for a period of not more than six  
23 months, but there may be as many extensions as the court orders pursuant  
24 to this section.

25 **SECTION 9.** In Colorado Revised Statutes, 27-65-111, **amend**  
26 (1) as follows:

27 **27-65-111. Hearing procedures - jurisdiction.** (1) Hearings A

1 HEARING before the court ~~under~~ PURSUANT TO section 27-65-107,  
2 27-65-108, or 27-65-109 ~~shall~~ MUST be conducted in the same manner as  
3 other civil proceedings before the court. The burden of proof ~~shall be~~ IS  
4 upon the person or facility seeking to detain the respondent. The court ~~or~~  
5 ~~jury~~ shall determine that the respondent is in need of care and treatment  
6 only if the court ~~or jury~~ finds by clear and convincing evidence that the  
7 person has a mental illness and, as a result of the mental illness, is a  
8 danger to others or to himself or herself or is gravely disabled.  
9 ADDITIONALLY, BASED ON THE TOTALITY OF THE EVIDENCE PRESENTED,  
10 THE COURT SHALL CONSIDER THE TESTIMONY REGARDING A RESPONDENT'S  
11 POTENTIAL FOR DANGER, TAKING INTO ACCOUNT SUCH FACTORS AS HOW  
12 RECENT THE INCIDENTS WERE, HOW SEVERE THE EVENTS WERE, AND ANY  
13 KNOWN CORRELATION BETWEEN THE OCCURRENCE OF EVENTS AND  
14 WHETHER THE INDIVIDUAL WAS PARTICIPATING IN TREATMENT AT THE  
15 TIME OF THE EVENTS.

16 **SECTION 10.** In Colorado Revised Statutes, 27-65-127, **amend**  
17 (4) introductory portion; and **repeal** (4) (c) as follows:

18 **27-65-127. Imposition of legal disability - deprivation of legal**  
19 **right - restoration.** (4) Whenever any proceedings are instituted or  
20 conducted pursuant to this section, the following procedures ~~shall~~ apply:

21 ~~(c) Upon demand made at least five days prior to the date of~~  
22 ~~hearing, the respondent shall have the right to a trial of all issues by a jury~~  
23 ~~of six.~~

24 **SECTION 11.** In Colorado Revised Statutes, **repeal and reenact,**  
25 **with amendments,** 27-80-101 as follows:

26 **27-80-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

1           (1) "APPROVED TREATMENT FACILITY" MEANS A TREATMENT  
2 FACILITY APPROVED BY OR OPERATING UNDER THE DIRECTION AND  
3 CONTROL OF THE UNIT OR PROVIDING TREATMENT PURSUANT TO THIS  
4 ARTICLE THROUGH A CONTRACT WITH THE UNIT AND MEETING THE  
5 STANDARDS PRESCRIBED IN AND APPROVED PURSUANT TO SECTION  
6 27-80-108.5.

7           (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES  
8 CREATED IN SECTION 26-1-105, C.R.S.

9           (3) "DESIGNATED SERVICE AREA" MEANS THE GEOGRAPHICAL  
10 SUBSTATE PLANNING AREA SPECIFIED BY THE DIRECTOR TO BE SERVED BY  
11 A DESIGNATED MANAGED SERVICE ORGANIZATION, AS DESCRIBED IN  
12 SECTION 27-80-107.

13           (4) "DIRECTOR" MEANS THE DIRECTOR OF THE UNIT IN THE  
14 DEPARTMENT THAT ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND  
15 SERVICES, INCLUDING THOSE RELATED TO MENTAL HEALTH AND  
16 SUBSTANCE MISUSE.

17           (5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
18 THE DEPARTMENT OF HUMAN SERVICES.

19           (6) "FETAL ALCOHOL SPECTRUM DISORDER" OR "FASD" MEANS A  
20 CONTINUUM OF PERMANENT BIRTH DEFECTS CAUSED BY MATERNAL  
21 CONSUMPTION OF ALCOHOL DURING PREGNANCY. "FASD" INCLUDES, BUT  
22 IS NOT LIMITED TO, FETAL ALCOHOL SYNDROME.

23           (7) "PUBLIC PROGRAM" MEANS A PROGRAM CONCERNING THE  
24 PROBLEMS OF ALCOHOL OR DRUG MISUSE THAT IS SPONSORED BY A  
25 COUNTY, DISTRICT, OR MUNICIPAL PUBLIC HEALTH AGENCY, COUNTY  
26 DEPARTMENT OF SOCIAL SERVICES, COURT, PROBATION DEPARTMENT, LAW  
27 ENFORCEMENT AGENCY, SCHOOL, SCHOOL SYSTEM, BOARD OF

1 COOPERATIVE SERVICES, INDIAN TRIBAL RESERVATION, OR STATE AGENCY.  
2 "PUBLIC PROGRAM" INCLUDES ANY ALCOHOL OR DRUG MISUSE  
3 TREATMENT PROGRAM REQUIRED AS A CONDITION OF PROBATION  
4 PURSUANT TO PART 2 OF ARTICLE 11 OF TITLE 16, C.R.S., ANY ALCOHOL  
5 OR DRUG MISUSE PROGRAM ADMINISTERED BY THE DIVISION OF ADULT  
6 PAROLE PURSUANT TO ARTICLE 2 OF TITLE 17, C.R.S., ANY COMMUNITY  
7 CORRECTIONAL FACILITY OR PROGRAM ADMINISTERED PURSUANT TO  
8 ARTICLE 27 OF TITLE 17, C.R.S., AND ANY ALCOHOL OR DRUG MISUSE  
9 TREATMENT PROGRAM ADMINISTERED BY THE DIVISION OF YOUTH  
10 CORRECTIONS PURSUANT TO TITLE 19, C.R.S.

11 (8) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES  
12 CREATED IN SECTION 26-1-107, C.R.S.

13 (9) "SUBSTANCE" MEANS A CONTROLLED SUBSTANCE AS DEFINED  
14 IN SECTION 18-18-102 (5), C.R.S., TOXIC VAPORS, ALCOHOL, OR ANY  
15 OTHER CHEMICAL THAT CAUSES AN ALTERED MENTAL STATE.

16 (10) "SUBSTANCE USE DISORDER" MEANS A DISORDER IN WHICH  
17 THE MISUSE OF ONE OR MORE SUBSTANCES LEADS TO CLINICALLY  
18 SIGNIFICANT DISTRESS OR IMPAIRMENT IN SOCIAL OR OCCUPATIONAL  
19 FUNCTIONING.

20 (11) "UNIT" MEANS THE UNIT IN THE DEPARTMENT THAT  
21 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING  
22 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE MISUSE.

23 **SECTION 12.** In Colorado Revised Statutes, **amend** 27-80-102  
24 as follows:

25 **27-80-102. Duties of the unit.** (1) The unit shall formulate a  
26 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE USE  
27 DISORDER programs. The state plan ~~shall~~ MUST be submitted to the

1 governor and, upon his or her approval, ~~shall~~ MUST be submitted to the  
2 appropriate United States agency for review and approval. The state plan  
3 ~~shall~~ MUST include, but not be limited to:

4 (a) A survey of the need for the prevention and treatment of  
5 ~~alcohol and drug abuse~~ SUBSTANCE MISUSE AND SUBSTANCE USE  
6 DISORDERS, including a survey of the health facilities needed to provide  
7 services and a plan for the development and distribution of facilities and  
8 programs throughout the state;

9 (b) A plan for programs to educate the public in the problems of  
10 ~~alcohol and drug abuse~~ SUBSTANCE MISUSE AND SUBSTANCE USE  
11 DISORDERS;

12 (c) A survey of the need for trained teachers, health professionals,  
13 and others involved in the prevention and treatment of ~~alcohol and drug~~  
14 ~~abuse~~ SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS and the  
15 rehabilitation of ~~abusers~~ PERSONS WHO MISUSE SUBSTANCES OR HAVE A  
16 SUBSTANCE USE DISORDER, and a plan to provide the necessary training  
17 for such persons;

18 (d) Provisions for ~~the periodic~~ AN ANNUAL review and ~~updating~~  
19 UPDATE of the state plan. ~~which shall take place at least annually.~~

20 (2) The department, acting by and through the unit, is designated  
21 as the sole state agency for the supervision of the administration of the  
22 state plan.

23 (3) **[Similar to 27-81-104.]** IN ADDITION, THE UNIT SHALL:

24 (a) IN COOPERATION WITH PUBLIC AND PRIVATE AGENCIES,  
25 ORGANIZATIONS, AND INDIVIDUALS, DEVELOP, ENCOURAGE, AND FOSTER  
26 STATEWIDE, REGIONAL, AND LOCAL PLANS AND PROGRAMS FOR THE  
27 PREVENTION AND TREATMENT OF SUBSTANCE MISUSE AND SUBSTANCE USE

1 DISORDERS AND PROVIDE TECHNICAL ASSISTANCE AND CONSULTATION  
2 SERVICES FOR THESE PURPOSES;

3 (b) COORDINATE THE EFFORTS AND ENLIST THE ASSISTANCE OF ALL  
4 PUBLIC AND PRIVATE AGENCIES, ORGANIZATIONS, AND INDIVIDUALS  
5 INTERESTED IN THE PREVENTION AND TREATMENT OF SUBSTANCE MISUSE  
6 AND SUBSTANCE USE DISORDERS;

7 (c) UTILIZE COMMUNITY MENTAL HEALTH CENTERS AND CLINICS  
8 WHENEVER FEASIBLE;

9 (d) COOPERATE WITH THE DEPARTMENT OF CORRECTIONS TO  
10 ESTABLISH AND CONDUCT PROGRAMS FOR THE PREVENTION AND  
11 TREATMENT OF SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS IN  
12 APPROPRIATE AGENCIES AND INSTITUTIONS AND FOR PERSONS WHO MISUSE  
13 SUBSTANCES OR WHO HAVE A SUBSTANCE USE DISORDER WHO ARE IN OR  
14 ARE ON PAROLE FROM CORRECTIONAL INSTITUTIONS. THE UNIT SHALL  
15 FURTHER COOPERATE WITH THE DEPARTMENT OF CORRECTIONS IN  
16 CARRYING OUT THE DUTIES SPECIFIED IN PARAGRAPHS (i) AND (k) OF THIS  
17 SUBSECTION (3).

18 (e) COOPERATE WITH THE DEPARTMENT OF EDUCATION, SCHOOLS,  
19 POLICE DEPARTMENTS, COURTS, AND OTHER PUBLIC AND PRIVATE  
20 AGENCIES, ORGANIZATIONS, AND INDIVIDUALS TO PREPARE CURRICULUM  
21 MATERIALS AND ESTABLISH PROGRAMS FOR THE PREVENTION AND  
22 TREATMENT OF SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS AT  
23 ALL LEVELS OF SCHOOL;

24 (f) PREPARE, PUBLISH, EVALUATE, AND DISSEMINATE  
25 EDUCATIONAL MATERIALS DISCUSSING THE NATURE AND EFFECTS OF  
26 SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS;

27 (g) DEVELOP AND IMPLEMENT, AS AN INTEGRAL PART OF



1 TREATMENT PROGRAMS, AN EDUCATIONAL PROGRAM FOR USE IN THE  
2 TREATMENT OF SUBSTANCE USE DISORDERS. THE EDUCATIONAL PROGRAM  
3 MUST INCLUDE THE DISSEMINATION OF INFORMATION CONCERNING THE  
4 NATURE AND EFFECTS OF SUBSTANCE MISUSE AND SUBSTANCE USE  
5 DISORDERS.

6 (h) ORGANIZE AND FOSTER TRAINING PROGRAMS FOR ALL PERSONS  
7 ENGAGED IN THE PREVENTION AND TREATMENT OF SUBSTANCE MISUSE  
8 AND SUBSTANCE USE DISORDERS;

9 (i) SPONSOR AND ENCOURAGE RESEARCH INTO THE CAUSES AND  
10 NATURE OF SUBSTANCE USE DISORDERS AND THE TREATMENT OF  
11 SUBSTANCE USE DISORDERS. THE UNIT SHALL ADDITIONALLY SERVE AS A  
12 CLEARINGHOUSE FOR INFORMATION RELATED TO SUBSTANCE USE  
13 DISORDERS.

14 (j) SPECIFY UNIFORM METHODS FOR KEEPING STATISTICAL  
15 INFORMATION BY PUBLIC AND PRIVATE AGENCIES, ORGANIZATIONS, AND  
16 INDIVIDUALS, AND COLLECT AND MAKE AVAILABLE RELEVANT  
17 STATISTICAL INFORMATION CONCERNING SUBSTANCE USE DISORDERS,  
18 INCLUDING THE NUMBER OF PERSONS TREATED, FREQUENCY OF ADMISSION  
19 AND READMISSION, AND FREQUENCY AND DURATION OF TREATMENT;

20 (k) REVIEW ALL STATE HEALTH, WELFARE, AND TREATMENT PLANS  
21 TO BE SUBMITTED FOR FEDERAL FUNDING UNDER FEDERAL LEGISLATION  
22 AND ADVISE THE GOVERNOR ON PROVISIONS TO BE INCLUDED RELATING TO  
23 SUBSTANCE USE DISORDERS;

24 (l) ASSIST IN THE DEVELOPMENT OF, AND COOPERATE WITH,  
25 SUBSTANCE USE DISORDER EDUCATION AND TREATMENT PROGRAMS FOR  
26 STATE AND LOCAL GOVERNMENT EMPLOYEES AND BUSINESSES AND  
27 INDUSTRIES THROUGHOUT THE STATE;

1 (m) UTILIZE THE SUPPORT AND ASSISTANCE OF INTERESTED  
2 PERSONS IN THE COMMUNITY, PARTICULARLY PERSONS IN RECOVERY FROM  
3 SUBSTANCE USE DISORDERS, TO ENCOURAGE OTHER PERSONS WITH  
4 SUBSTANCE USE DISORDERS TO VOLUNTARILY SEEK AND OBTAIN  
5 TREATMENT;

6 (n) COOPERATE WITH THE DEPARTMENT OF TRANSPORTATION TO  
7 ESTABLISH AND CONDUCT PROGRAMS DESIGNED TO DEAL WITH THE  
8 PROBLEM OF PERSONS OPERATING MOTOR VEHICLES WHILE INTOXICATED,  
9 IMPAIRED BY, OR UNDER THE INFLUENCE OF SUBSTANCES;

10 (o) ENCOURAGE GENERAL HOSPITALS AND OTHER APPROPRIATE  
11 HEALTH FACILITIES TO ADMIT, WHEN CLINICALLY INDICATED, PERSONS  
12 WITH SUBSTANCE USE DISORDERS AND TO PROVIDE THEM WITH ADEQUATE  
13 AND APPROPRIATE TREATMENT;

14 (p) ENCOURAGE ALL HEALTH AND DISABILITY INSURANCE  
15 PROGRAMS TO INCLUDE SUBSTANCE USE DISORDERS AS A COVERED  
16 ILLNESS; AND

17 (q) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR DETAILING THE  
18 ACTIVITIES OF THE UNIT.

19 **SECTION 13.** In Colorado Revised Statutes, **add with amended**  
20 **and relocated provisions** 27-80-102.3 as follows:

21 **27-80-102.3. [Formerly 27-81-103.] Powers of the unit.** (1) To  
22 carry out the purposes of this article, the unit may:

23 (a) Plan, establish, and maintain treatment programs as necessary  
24 or desirable;

25 (b) Make contracts necessary or incidental to the performance of  
26 its duties and the execution of its powers, including contracts with public  
27 and private agencies, organizations, and individuals to pay them for

1 services rendered or furnished to ~~alcoholics or intoxicated~~ persons WITH  
2 A SUBSTANCE USE DISORDER;

3 (c) Solicit and accept for use any gift of money or property made  
4 by will or otherwise and any grant of money, services, or property from  
5 the federal government, the state, or any political subdivision thereof or  
6 any private source, and do all things necessary to cooperate with the  
7 federal government or any of its agencies in making an application for  
8 any grant;

9 (d) Administer or supervise the administration of the provisions  
10 relating to ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE  
11 DISORDERS of any state plan submitted for federal funding pursuant to  
12 federal health, welfare, or treatment legislation;

13 (e) Coordinate its activities and cooperate with ~~alcoholism~~  
14 SUBSTANCE USE DISORDER programs in this state and other states and  
15 make contracts and other joint or cooperative arrangements with state,  
16 local, or private agencies in this state and other states for the treatment of  
17 ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS and  
18 for the common advancement of ~~alcoholism~~ SUBSTANCE USE DISORDER  
19 programs;

20 (f) Keep records and engage in research and the gathering of  
21 relevant statistics;

22 (g) Do other acts and things necessary or convenient to execute  
23 the authority expressly granted to it; and

24 (h) Acquire, hold, or dispose of real property, or any interest  
25 therein, and construct, lease, or otherwise provide treatment facilities for  
26 ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS.

27 **SECTION 14.** In Colorado Revised Statutes, 27-80-103, **amend**

1 (2) (c), (2) (d), (2) (e), and (2) (g) as follows:

2 **27-80-103. Grants for public programs.** (2) A public program  
3 may provide, but need not be limited to, any of the following:

4 (c) Education and counseling regarding ~~the use and abuse of~~  
5 ~~alcohol and drugs~~ SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS;

6 (d) Programs for prevention of ~~alcohol and drug abuse~~ SUBSTANCE  
7 MISUSE AND SUBSTANCE USE DISORDERS;

8 (e) Training of teachers, health professionals, and others in the  
9 field of ~~alcohol and drug abuse and addiction counseling~~ SUBSTANCE  
10 MISUSE AND SUBSTANCE USE DISORDERS;

11 (g) Services to pregnant women who ~~are alcohol and drug~~  
12 ~~dependent~~ ARE IMPACTED BY SUBSTANCE MISUSE OR SUBSTANCE USE  
13 DISORDERS through demonstration and evaluation projects.

14 **SECTION 15.** In Colorado Revised Statutes, 27-80-104, **amend**  
15 (1) (c) as follows:

16 **27-80-104. Cancellation of grants.** (1) The unit may cancel any  
17 grant for any public program for any of the following reasons:

18 (c) The public program does not meet the standards or  
19 requirements adopted by the department or does not conform to the  
20 comprehensive state plan for ~~alcohol and drug abuse~~ SUBSTANCE MISUSE  
21 OR SUBSTANCE USE DISORDER programs.

22 **SECTION 16.** In Colorado Revised Statutes, **amend** 27-80-106  
23 as follows:

24 **27-80-106. Purchase of prevention and treatment services.**

25 (1) Using funds appropriated for purposes of this section or available  
26 from any other governmental or private source, the unit may purchase  
27 services for prevention or ~~for~~ treatment of ~~alcohol and drug abuse~~

1 SUBSTANCE MISUSE OR SUBSTANCE USE DISORDERS or both types of  
2 services on a contract basis from any tribal nation or any public or private  
3 agency, organization, or institution approved by the unit. The services  
4 purchased may be any of those which may be provided through a public  
5 program, as set forth in section 27-80-103 (2). In contracting for services,  
6 the unit shall attempt to obtain services that are in addition to, and not a  
7 duplication of, existing available services or services that are of a pilot or  
8 demonstration nature. Any agency operating a public program may also  
9 purchase such services on a contract basis.

10 (2) (a) In addition to the services purchased pursuant to subsection  
11 (1) of this section, using funds appropriated for purposes of this section  
12 or available from any other governmental or private source, the unit may  
13 purchase services for the treatment of ~~alcohol and drug abuse~~ SUBSTANCE  
14 MISUSE OR SUBSTANCE USE DISORDERS on a contract basis from a  
15 designated managed service organization for a designated service area as  
16 set forth in section 27-80-107. A public or private agency, organization,  
17 or institution approved by the unit through the process set forth in section  
18 27-80-107 may be designated as a designated managed service  
19 organization.

20 (b) Designated managed service organizations receiving funds  
21 pursuant to this subsection (2) shall comply with all relevant provisions  
22 of this article and the rules promulgated thereunder.

23 **SECTION 17.** In Colorado Revised Statutes, 27-80-107, **amend**  
24 (1), (3), (5), (6), and (7) as follows:

25 **27-80-107. Designation of managed service organizations -**  
26 **purchase of services - revocation of designation.** (1) The director of  
27 ~~the unit~~ shall establish designated service areas for the provision of

1 treatment services for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS  
2 in a particular geographical region of the state.

3 (3) The designation of a managed service organization by the  
4 director ~~of the unit~~ as described in subsection (2) of this section ~~shall be~~  
5 IS considered an initial decision of the department which may be reviewed  
6 by the executive director in accordance with the provisions of section  
7 24-4-105, C.R.S. Review by the executive director in accordance with  
8 section 24-4-105, C.R.S., ~~shall constitute~~ CONSTITUTES final agency  
9 action for purposes of judicial review.

10 (5) The contract may include a provisional designation for ninety  
11 CALENDAR days. At the conclusion of the ninety-day provisional period,  
12 the director ~~of the unit~~ may choose to revoke the contract or, subject to  
13 meeting the terms and conditions specified in the contract, may choose to  
14 extend the contract for a stated time period.

15 (6) A managed service organization that is designated to serve a  
16 designated service area may subcontract with a network of service  
17 providers to provide treatment services for ~~alcohol and drug abuse~~  
18 SUBSTANCE USE DISORDERS within the particular designated service area.

19 (7) (a) The director ~~of the unit~~ may revoke the designation of a  
20 designated managed service organization upon a finding that the managed  
21 service organization is in violation of the performance of the provisions  
22 of this article or the rules promulgated thereunder ~~such~~ OR VIOLATIONS OF  
23 ANY CONDITIONS OF THE CONTRACT. THE revocation ~~shall~~ MUST conform  
24 to the provisions and procedures specified in article 4 of title 24, C.R.S.,  
25 and ~~shall~~ CAN be made only after notice and an opportunity for a hearing  
26 is provided as specified in that article. A hearing to revoke a designation  
27 as a designated managed service organization ~~shall constitute~~

1       CONSTITUTES final agency action for purposes of judicial review.

2               (b) Once a designation has been revoked pursuant to paragraph (a)  
3 of this subsection (7), the director ~~of the unit~~ may designate one or more  
4 service providers to provide the treatment services pending designation  
5 of a new designated managed service organization or may enter into  
6 contracts with subcontractors to provide the treatment services.

7               (c) From time to time, the director ~~of the unit~~ may solicit  
8 applications from applicants for managed service organization  
9 designation to provide treatment services for a specified planning area or  
10 areas.

11               **SECTION 18.** In Colorado Revised Statutes, 27-80-108, **amend**  
12 (1) introductory portion, (1) (d), and (1) (f); and **add** (2) and (3) as  
13 follows:

14               **27-80-108. Rules.** (1) The state board ~~of human services, created~~  
15 ~~in section 26-1-107, C.R.S.,~~ has the power to promulgate rules governing  
16 the provisions of this article. ~~Such~~ THE rules may include, but ~~shall~~ ARE  
17 not be limited to:

18               (d) Requirements for managed service organizations ~~that are~~  
19 designated by the director ~~of the unit~~ to provide services in a designated  
20 service area ~~under~~ PURSUANT TO section 27-80-106; ~~(2);~~

21               (f) Any rules that are necessary to carry out the purposes of the  
22 treatment program for high-risk pregnant women ~~that is~~ created pursuant  
23 to ~~section 27-80-112~~ SECTION 27-80-118.

24               (2) **[Similar to 27-81-108 and 27-82-104.]** THE STATE BOARD  
25 SHALL ADDITIONALLY ADOPT, AMEND, AND REPEAL RULES FOR THE  
26 ACCEPTANCE OF PERSONS INTO A TREATMENT PROGRAM PURSUANT TO  
27 ARTICLE 81 OF THIS TITLE FOR THE PURPOSE OF EARLY AND EFFECTIVE

1 TREATMENT OF SUBSTANCE USE DISORDERS. IN PROMULGATING THE  
2 RULES, THE STATE BOARD SHALL USE THE FOLLOWING STANDARDS:

3 (a) WHENEVER POSSIBLE, AN INDIVIDUAL MUST BE TREATED ON A  
4 VOLUNTARY RATHER THAN INVOLUNTARY BASIS;

5 (b) AN INDIVIDUAL MUST BE INITIALLY ASSIGNED OR TRANSFERRED  
6 TO AN APPROVED OUTPATIENT OR INTERMEDIATE TREATMENT FACILITY  
7 UNLESS A PROFESSIONAL PERSON FINDS THAT HE OR SHE REQUIRES  
8 INPATIENT OR RESIDENTIAL TREATMENT;

9 (c) AN INDIVIDUAL MUST NOT BE DENIED TREATMENT SOLELY  
10 BECAUSE HE OR SHE HAS WITHDRAWN FROM TREATMENT AGAINST  
11 MEDICAL ADVICE ON A PRIOR OCCASION OR BECAUSE HE OR SHE HAS  
12 RELAPSED AFTER PRIOR TREATMENT;

13 (d) AN INDIVIDUAL TREATMENT PLAN MUST BE PREPARED AND  
14 MAINTAINED ON A CURRENT BASIS FOR EACH INDIVIDUAL RECEIVING  
15 TREATMENT; AND

16 (e) THE APPROVED TREATMENT FACILITY SHALL MAKE PROVISIONS  
17 FOR A CONTINUUM OF COORDINATED TREATMENT SERVICES FOR  
18 INDIVIDUALS UPON THEIR RELEASE FROM TREATMENT SO THAT AN  
19 INDIVIDUAL WHO LEAVES A FACILITY OR A FORM OF TREATMENT IS AWARE  
20 OF AND HAS OTHER APPROPRIATE TREATMENT AVAILABLE.

21 (3) THE STATE BOARD SHALL ADOPT RULES ESTABLISHING A  
22 STANDARDIZED ABILITY-TO-PAY SCHEDULE, UNDER WHICH THOSE WITH  
23 SUFFICIENT FINANCIAL ABILITY ARE REQUIRED TO PAY THE FULL COST OF  
24 SERVICES PROVIDED AND THOSE WHO ARE WITHOUT SUFFICIENT FINANCIAL  
25 ABILITY ARE PROVIDED APPROPRIATE TREATMENT AT REDUCED CHARGE.  
26 THE ABILITY-TO-PAY SCHEDULE MUST TAKE INTO CONSIDERATION THE  
27 INCOME, INCLUDING GOVERNMENT ASSISTANCE PROGRAMS, SAVINGS, AND



1 OTHER PERSONAL AND REAL PROPERTY OF THE INDIVIDUAL REQUIRED TO  
2 PAY, AND ANY SUPPORT THE INDIVIDUAL IS REQUIRED BY LAW TO PAY TO  
3 ANOTHER INDIVIDUAL.

4 **SECTION 19.** In Colorado Revised Statutes, **add with amended**  
5 **and relocated provisions** 27-80-108.5 as follows:

6 **27-80-108.5. [Formerly 27-81-105.] Comprehensive program**  
7 **for treatment - approved treatment facilities.** (1) The unit shall  
8 establish a comprehensive and coordinated program for the treatment of  
9 ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS.

10 (2) ~~Insofar as funds available to the unit will permit,~~ SUBJECT TO  
11 AVAILABLE APPROPRIATIONS, the program established in subsection (1)  
12 of this section ~~shall~~ MUST include all of the following:

- 13 (a) Emergency treatment;
- 14 (b) Inpatient treatment;
- 15 (c) Intermediate treatment; and
- 16 (d) Outpatient and follow-up treatment.

17 (3) The unit shall provide for adequate and appropriate treatment  
18 for ~~alcoholics and intoxicated~~ persons WITH SUBSTANCE USE DISORDERS  
19 admitted ~~under sections 27-81-109 to 27-81-112~~ FOR TREATMENT  
20 PURSUANT TO SECTIONS 27-81-110 TO 27-81-112.3. Except as otherwise  
21 provided in section 27-81-111, treatment may not be provided at a  
22 correctional institution except for inmates.

23 (4) The unit shall maintain, supervise, and control all APPROVED  
24 TREATMENT facilities ~~operated by it subject to policies of the department~~  
25 SUBJECT TO DEPARTMENT POLICIES. The administrator of each APPROVED  
26 TREATMENT facility shall make an annual report of its activities to the  
27 director ~~in the form and manner the director specifies~~ AS SPECIFIED BY

1 THE DIRECTOR.

2 (5) All appropriate public and private resources ~~shall~~ MUST be  
3 coordinated with and utilized in the program if possible.

4 (6) The director shall prepare, publish, and distribute annually a  
5 list of all approved ~~public and private~~ treatment facilities.

6 (7) The unit may contract for the use of any facility as an  
7 approved ~~public~~ treatment facility if the director, subject to ~~the policies~~  
8 ~~of the~~ department POLICIES, considers this to be an effective and  
9 economical course to follow.

10 **SECTION 20.** In Colorado Revised Statutes, **add** 27-80-109.5 as  
11 follows:

12 **27-80-109.5. [Similar to 27-81-106 and 27-82-103.] Standards**  
13 **for approved treatment facilities - fees - enforcement procedures -**  
14 **penalties.** (1) IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE,  
15 THE UNIT SHALL ESTABLISH STANDARDS FOR APPROVED TREATMENT  
16 FACILITIES THAT RECEIVE PUBLIC FUNDS. THE STANDARDS MUST BE MET  
17 FOR A TREATMENT FACILITY TO BE APPROVED BY THE UNIT. THE UNIT  
18 SHALL FIX THE FEES FOR REQUIRED INSPECTIONS. THE FEES CHARGED TO  
19 APPROVED TREATMENT FACILITIES THAT PROVIDE LEVEL I AND LEVEL II  
20 PROGRAMS AS PROVIDED FOR IN SECTION 42-4-1301.3 (3) (c) (IV), C.R.S.,  
21 MUST BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT  
22 THE FEES TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM FUND  
23 CREATED IN SECTION 42-4-1301.3 (4) (a), C.R.S. THE STANDARDS MAY  
24 CONCERN ONLY THE HEALTH STANDARDS TO BE MET AND STANDARDS OF  
25 TREATMENT TO BE AFFORDED PATIENTS AND MUST REFLECT THE SUCCESS  
26 CRITERIA ESTABLISHED BY THE GENERAL ASSEMBLY.

27 (2) THE UNIT SHALL PERIODICALLY INSPECT APPROVED

1 TREATMENT FACILITIES AT REASONABLE TIMES AND IN A REASONABLE  
2 MANNER.

3 (3) THE UNIT SHALL MAINTAIN A LIST OF APPROVED TREATMENT  
4 FACILITIES.

5 (4) EACH APPROVED TREATMENT FACILITY SHALL FILE WITH THE  
6 UNIT, ON REQUEST, DATA, STATISTICS, SCHEDULES, AND INFORMATION THE  
7 UNIT REASONABLY REQUIRES. AN APPROVED TREATMENT FACILITY THAT  
8 FAILS WITHOUT GOOD CAUSE TO FURNISH DATA, STATISTICS, SCHEDULES,  
9 OR INFORMATION, AS REQUESTED, OR FILES FRAUDULENT RETURNS  
10 THEREOF MUST BE REMOVED FROM THE LIST OF APPROVED TREATMENT  
11 FACILITIES.

12 (5) THE UNIT, AFTER HEARING, MAY SUSPEND, REVOKE, LIMIT,  
13 RESTRICT, OR REFUSE TO GRANT AN APPROVAL FOR FAILURE TO MEET ITS  
14 STANDARDS.

15 (6) THE DISTRICT COURT MAY RESTRAIN ANY VIOLATION OF,  
16 REVIEW ANY DENIAL, RESTRICTION, OR REVOCATION OF APPROVAL UNDER,  
17 AND GRANT OTHER RELIEF REQUIRED TO ENFORCE THE PROVISIONS OF THIS  
18 SECTION.

19 (7) UPON PETITION OF THE UNIT AND AFTER A HEARING HELD UPON  
20 REASONABLE NOTICE TO THE FACILITY, THE DISTRICT COURT MAY ISSUE A  
21 WARRANT TO AN OFFICER OR EMPLOYEE OF THE UNIT AUTHORIZING HIM OR  
22 HER TO ENTER AND INSPECT AT REASONABLE TIMES, AND EXAMINE THE  
23 BOOKS AND ACCOUNTS OF, ANY APPROVED TREATMENT FACILITY  
24 REFUSING TO CONSENT TO INSPECTION OR EXAMINATION BY THE UNIT OR  
25 WHICH THE UNIT HAS REASONABLE CAUSE TO BELIEVE IS OPERATING IN  
26 VIOLATION OF THIS ARTICLE.

27 **SECTION 21.** In Colorado Revised Statutes, **add** 27-80-110.5 as

1 follows:

2 **27-80-110.5. [Similar to 27-81-107.] Compliance with local**  
3 **government zoning regulations - notice to local governments -**

4 **provisional approval.** (1) THE UNIT SHALL REQUIRE ANY RESIDENTIAL  
5 TREATMENT FACILITY SEEKING TO BECOME AN APPROVED TREATMENT  
6 FACILITY PURSUANT TO THIS ARTICLE TO COMPLY WITH APPLICABLE  
7 ZONING REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR  
8 COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO COMPLY WITH  
9 APPLICABLE ZONING REGULATIONS CONSTITUTES GROUNDS FOR THE  
10 DENIAL OF APPROVAL OF A FACILITY.

11 (2) THE UNIT SHALL PROVIDE TIMELY WRITTEN NOTICE TO THE  
12 MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE A RESIDENTIAL  
13 TREATMENT FACILITY IS SITUATED, INCLUDING THE ADDRESS OF THE  
14 FACILITY AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED  
15 BY THE FACILITY, WHEN ANY OF THE FOLLOWING OCCURS:

16 (a) A RESIDENTIAL TREATMENT FACILITY APPLIES FOR APPROVAL  
17 PURSUANT TO SECTION 27-80-109.5;

18 (b) APPROVAL IS GRANTED TO A RESIDENTIAL TREATMENT  
19 FACILITY PURSUANT TO SECTION 27-80-109.5; OR

20 (c) A CHANGE IN THE APPROVAL STATUS OF A RESIDENTIAL  
21 TREATMENT FACILITY OCCURS.

22 (3) IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE  
23 BETWEEN A RESIDENTIAL TREATMENT FACILITY AND THE MUNICIPALITY,  
24 CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED, THE  
25 UNIT MAY GRANT PROVISIONAL APPROVAL OF THE FACILITY FOR UP TO ONE  
26 HUNDRED TWENTY CALENDAR DAYS PENDING RESOLUTION OF THE DELAY  
27 OR DISPUTE.

1           **SECTION 22.** In Colorado Revised Statutes, **add** 27-80-111.5 as  
2 follows:

3           **27-80-111.5. [Similar to 27-81-116 and 27-82-111.] Payment for**  
4 **treatment - financial ability of patients.** (1) IFTREATMENT IS PROVIDED  
5 TO AN INDIVIDUAL BY AN APPROVED TREATMENT FACILITY AND THE  
6 INDIVIDUAL, INCLUDING AN INDIVIDUAL CERTIFIED FOR TREATMENT  
7 PURSUANT TO SECTION 27-81-111, 27-81-111.3, 27-81-112, OR  
8 27-81-112.3, HAS NOT PAID THE CHARGES INCURRED, THE APPROVED  
9 TREATMENT FACILITY IS ENTITLED TO ANY PAYMENT RECEIVED BY THE  
10 INDIVIDUAL OR TO WHICH HE OR SHE MAY BE ENTITLED BECAUSE OF THE  
11 SERVICES RENDERED AND FROM ANY PUBLIC OR PRIVATE SOURCE  
12 AVAILABLE TO THE APPROVED TREATMENT FACILITY BECAUSE OF THE  
13 TREATMENT PROVIDED TO THE INDIVIDUAL. THE APPROVED TREATMENT  
14 FACILITY MAY SEEK AND OBTAIN A JUDGMENT IN AN APPROPRIATE COURT  
15 FOR ANY UNPAID FEES OR CHARGES.

16           (2) AN INDIVIDUAL IN AN APPROVED TREATMENT FACILITY, OR THE  
17 ESTATE OF THE INDIVIDUAL, OR AN INDIVIDUAL OBLIGATED TO PROVIDE  
18 FOR THE COST OF TREATMENT AND HAVING SUFFICIENT FINANCIAL ABILITY  
19 IS LIABLE TO THE APPROVED TREATMENT FACILITY FOR THE COST OF  
20 TREATMENT OF THE INDIVIDUAL THEREIN IN ACCORDANCE WITH  
21 ESTABLISHED RATES. THE APPROVED TREATMENT FACILITY MAY SEEK AND  
22 OBTAIN A JUDGMENT IN AN APPROPRIATE COURT FOR ANY UNPAID FEES OR  
23 CHARGES.

24           (3) NOTHING IN THIS SECTION PROHIBITS AN APPROVED  
25 TREATMENT FACILITY FROM CHARGING A MINIMAL FEE FOR THERAPEUTIC  
26 SERVICES.

27           **SECTION 23.** In Colorado Revised Statutes, **add with amended**

1 **and relocated provisions 27-80-112.5** as follows:

2 **27-80-112.5. Criminal laws - limitations.** (1) [Similar to  
3 **27-81-117 (3).**] NOTHING IN THIS ARTICLE AFFECTS ANY LAW, ORDINANCE,  
4 RESOLUTION, OR RULE AGAINST DRIVING UNDER THE INFLUENCE OF  
5 SUBSTANCES OR OTHER SIMILAR OFFENSES INVOLVING THE OPERATION OF  
6 A VEHICLE, AN AIRCRAFT, A BOAT, MACHINERY, OR ANY OTHER  
7 EQUIPMENT.

8 (2) NOTHING IN THIS ARTICLE AFFECTS ANY LAW, ORDINANCE,  
9 RESOLUTION, OR RULE AGAINST THE SALE, PURCHASE, POSSESSION, OR USE  
10 OF SUBSTANCES, OR DISPENSING, POSSESSING, OR USING ALCOHOLIC  
11 BEVERAGES AT STATED TIMES AND PLACES OR BY A PARTICULAR CLASS OF  
12 PERSONS.

13 (3) [Formerly 27-82-112 (2).] The fact that a person is under the  
14 influence of ~~or incapacitated by drugs shall~~ SUBSTANCES DOES not prevent  
15 his or her arrest or prosecution for the commission of ~~any~~ A criminal act  
16 or conduct.

17 (4) [Formerly 27-82-112 (3).] Nothing in this article shall be  
18 construed as a limitation upon the right of a police officer to make an  
19 otherwise legal arrest, notwithstanding the fact that the arrested person  
20 may be under the influence of ~~or incapacitated by drugs~~ SUBSTANCES.

21 **SECTION 24.** In Colorado Revised Statutes, **add with amended**  
22 **and relocated provisions 27-80-113.5** as follows:

23 **27-80-113.5. [Formerly 27-82-113.] Limitations on services and**  
24 **programs provided - available funds.** (1) The level of services  
25 provided and the scope of programs administered by the unit that relate  
26 to ~~drug abuse prevention, education, and treatment,~~ EDUCATION ABOUT,  
27 AND THE PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDERS,

1 including the number of clients served in treatment programs, shall be  
2 subject to the moneys available to the unit for such purposes.

3 (2) The department is authorized to accept, on behalf of the state  
4 of Colorado, and expend any grants of federal funds for all or any  
5 purposes of this article.

6 **SECTION 25.** In Colorado Revised Statutes, **add with amended**  
7 **and relocated provisions** 27-80-114.5 as follows:

8 **27-80-114.5. [Formerly 27-80-109.] Coordination of state and**  
9 **federal funds and programs.** (1) All requests for state appropriations  
10 for ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS programs shall be  
11 submitted to the unit and the office of state planning and budgeting on  
12 dates specified by the unit consistent with requirements and procedures  
13 of the office of state planning and budgeting. After studying each request,  
14 the unit shall make a report thereon, with its comments and  
15 recommendations, including priorities for appropriations and a statement  
16 as to whether the requested appropriation would be consistent with the  
17 comprehensive state plan for ~~alcohol and drug abuse programs~~  
18 DEVELOPED PURSUANT TO SECTION 27-80-102 (1) FOR SUBSTANCE USE  
19 DISORDERS PROGRAMS. The reports of the unit shall be submitted to the  
20 governor, the office of state planning and budgeting, and the joint budget  
21 committee, together with all pertinent material on which the  
22 recommendations of the unit are based.

23 (2) The unit shall also review applications for federal grants for  
24 ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS programs submitted  
25 by any department or agency of state government, by any political  
26 subdivision of the state, by any Indian tribal reservation, or by any other  
27 public or private agency, organization, or institution. The unit shall

1 transmit to the division of planning and to the appropriate United States  
2 agency its comments and recommendations, together with a statement as  
3 to whether the grant would be consistent with the comprehensive state  
4 plan ~~for alcohol and drug abuse~~ DEVELOPED PURSUANT TO SECTION  
5 27-80-102 (1) FOR SUBSTANCE USE DISORDERS programs.

6 **SECTION 26.** In Colorado Revised Statutes, **add with amended**  
7 **and relocated provisions** 27-80-115.5 as follows:

8 **27-80-115.5. [Formerly 27-80-110.] Reports.** The unit shall  
9 submit a report ~~not later than~~ ON OR BEFORE November 1 of each year to  
10 the health and human services ~~committees~~ COMMITTEE of the senate and  
11 THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE  
12 house of representatives, or any successor committees, on the costs and  
13 effectiveness of ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS  
14 programs in this state and on recommended legislation in the field of  
15 ~~alcohol and drug abuse~~ SUBSTANCE USE DISORDERS.

16 **SECTION 27.** In Colorado Revised Statutes, **add with amended**  
17 **and relocated provisions** 27-80-116.5 as follows:

18 **27-80-116.5. [Formerly 27-80-111.] Addiction counselor**  
19 **training - fund created.** (1) The ~~executive director~~ STATE BOARD shall  
20 establish by rule fees to be charged for addiction counselor training. The  
21 amount assessed shall be sufficient to cover a portion of the costs of  
22 administering ~~such~~ THE training, and the moneys collected ~~therefor~~ shall  
23 be deposited in the addiction counselor training fund CREATED IN  
24 SUBSECTION (2) OF THIS SECTION. Additional funding may be obtained  
25 from general, cash, or federal funds otherwise appropriated to the unit.

26 (2) There is hereby created in the office of the state treasurer the  
27 addiction counselor training fund, REFERRED TO IN THIS SECTION AS THE



1 "FUND". Moneys collected pursuant to subsection (1) of this section shall  
2 be deposited in the fund. The moneys in the fund shall be subject to  
3 annual appropriation by the general assembly to the department for  
4 allocation to the unit for the administration of addiction counselor  
5 training requirements established by rules of the state board of human  
6 services pursuant to section 27-80-108. ~~(1)(e)~~. Moneys in the fund at the  
7 end of the fiscal year shall remain in the fund and shall not revert to the  
8 general fund.

9 **SECTION 28.** In Colorado Revised Statutes, **add with amended**  
10 **and relocated provisions** 27-80-118 as follows:

11 **27-80-118. [Formerly 27-80-112.] Treatment program for**  
12 **high-risk pregnant women - creation.** (1) The general assembly hereby  
13 finds and declares that:

14 (a) The health and well-being of the women of Colorado WHO  
15 MISUSE SUBSTANCES OR HAVE A SUBSTANCE USE DISORDER is at risk; that  
16 such women are at risk of poor birth outcomes or physical and other  
17 disabilities due to substance ~~abuse, which is the abuse of alcohol and~~  
18 ~~drugs~~, MISUSE OR SUBSTANCE USE DISORDERS during the prenatal period;  
19 ~~that~~

20 (b) Early identification of ~~such~~ high-risk pregnant women and  
21 ~~substance abuse~~ treatment FOR SUBSTANCE USE DISORDERS greatly reduce  
22 the occurrence of poor birth outcomes; and ~~that~~

23 (c) The citizens of Colorado will greatly benefit from a program  
24 to reduce poor birth outcomes and subsequent problems resulting from  
25 such poor birth outcomes in cases involving high-risk pregnant women  
26 through the cost savings envisioned by the prevention and early treatment  
27 of ~~such problems~~ SUBSTANCE MISUSE AND SUBSTANCE USE DISORDERS.

1           (2) In recognition of ~~such problems~~ THE PROBLEM, there is hereby  
2 created a treatment program for high-risk pregnant women WHO MISUSE  
3 SUBSTANCES OR WHO HAVE SUBSTANCE USE DISORDERS.

4           **SECTION 29.** In Colorado Revised Statutes, **add** 27-80-119 as  
5 follows:

6           **27-80-119. [Similar to 27-80-113.] Alcohol and drug addiction**  
7 **counseling and treatment - necessary components.** AN ENTITY THAT  
8 QUALIFIES TO PROVIDE SERVICES PURSUANT TO SECTION 25.5-5-202 (1) (r),  
9 C.R.S., IN REGARD TO THE TREATMENT PROGRAM FOR HIGH-RISK  
10 PREGNANT WOMEN, SHALL MAKE AVAILABLE THE FOLLOWING, IN  
11 ADDITION TO ALCOHOL, DRUG, AND ADDICTION COUNSELING AND  
12 TREATMENT: RISK ASSESSMENT SERVICES; CARE COORDINATION;  
13 NUTRITION ASSESSMENT; PSYCHOSOCIAL COUNSELING; INTENSIVE HEALTH  
14 EDUCATION, INCLUDING BUT NOT LIMITED TO PARENTING EDUCATION AND  
15 EDUCATION ON RISK FACTORS AND APPROPRIATE HEALTH BEHAVIORS;  
16 HOME VISITS; TRANSPORTATION SERVICES; AND OTHER SERVICES DEEMED  
17 NECESSARY BY THE UNIT AND THE DEPARTMENT OF HEALTH CARE POLICY  
18 AND FINANCING.

19           **SECTION 30.** In Colorado Revised Statutes, **add with relocated**  
20 **provisions** 27-80-120 as follows:

21           **27-80-120. [Formerly 27-80-114.] Treatment program for**  
22 **high-risk pregnant women - cooperation with private entities.** The  
23 department of health care policy and financing shall cooperate with any  
24 private entities that desire to assist the department of health care policy  
25 and financing in the provision of services connected with the treatment  
26 program for high-risk pregnant women. Private entities may provide  
27 services that are not provided to persons pursuant to the treatment

1 program for high-risk pregnant women, article 2 of title 26, C.R.S., and  
2 articles 4, 5, and 6 of title 25.5, C.R.S., which may include, but shall not  
3 be limited to, needs assessment services, preventive services,  
4 rehabilitative services, care coordination, nutrition assessment,  
5 psychosocial counseling, intensive health education, home visits,  
6 transportation, development of provider training, child care, and other  
7 necessary components of residential or outpatient treatment or care.

8 **SECTION 31.** In Colorado Revised Statutes, **add with amended**  
9 **and relocated provisions** 27-80-121 as follows:

10 **27-80-121. [Formerly 27-80-115.] Treatment program for**  
11 **high-risk pregnant women - data collection.** The department of health  
12 care policy and financing shall create a data collection mechanism  
13 regarding persons receiving services pursuant to the treatment program  
14 for high-risk pregnant women, ~~which shall include the collection of~~  
15 ~~INCLUDING data on~~ COLLECTION RELATED TO cost-effectiveness, success  
16 of the program, and other data the department of health care policy and  
17 financing deems appropriate.

18 **SECTION 32.** In Colorado Revised Statutes, **add with amended**  
19 **and relocated provisions** 27-80-122 as follows:

20 **27-80-122. [Formerly 27-80-116.] Fetal alcohol spectrum**  
21 **disorders - legislative declaration - health warning signs - commission**  
22 **- repeal.** (1) The general assembly hereby finds and declares that:

23 (a) Fetal alcohol exposure is the leading known cause of  
24 preventable intellectual and developmental disabilities and birth defects  
25 in the children of this state;

26 (b) Individuals with undiagnosed fetal alcohol spectrum disorders  
27 suffer substantially from secondary issues such as child abuse and

1 neglect, separation from families, multiple foster placements, depression,  
2 aggression, school failure, juvenile detention, and job instability;

3 ~~(b.5)~~ (c) Compared to individuals diagnosed before age twelve,  
4 individuals with undiagnosed FASD are two to four times more likely to  
5 suffer from inappropriate sexual behavior, disrupted school experiences,  
6 trouble with the law, ~~drug and alcohol problems~~ SUBSTANCE MISUSE AND  
7 SUBSTANCE USE DISORDERS, or confinement in a jail, mental hospital, or  
8 ~~drug and alcohol~~ A SUBSTANCE USE DISORDER treatment facility;

9 ~~(e)~~ (d) These secondary disabilities come at a high cost to  
10 individuals, their families, and society;

11 ~~(d)~~ (e) A survey performed in 2006 by the Colorado pregnancy  
12 risk assessment system estimated that eleven and two-tenths percent of  
13 women in Colorado said that they drank alcohol during the last three  
14 months of their pregnancy; and

15 ~~(e)~~ (f) The commission should evaluate the current use and  
16 distribution of written and electronic informational materials designed to  
17 increase awareness of the consequences of drinking alcohol while  
18 pregnant and should investigate additional means by which such written  
19 and electronic materials might best be used.

20 (2) The general assembly therefore declares that fetal alcohol  
21 exposure and its related problems can be reduced substantially by a  
22 greater awareness of the consequences of drinking alcohol while pregnant  
23 and by early diagnosis and receipt of appropriate and effective  
24 intervention.

25 (3) Each person licensed pursuant to section 12-47-401 (1) (h) to  
26 (1) (t), C.R.S., to sell malt, vinous, and spirituous liquors or licensed  
27 pursuant to section 12-46-104 (1) (c), C.R.S., to sell fermented malt

1 beverages is hereby encouraged to post a health warning sign pursuant to  
2 paragraph (c) of subsection (4) of this section, informing patrons that the  
3 consumption of alcohol during pregnancy may cause birth defects,  
4 including fetal alcohol spectrum disorders.

5 (4) (a) There is hereby created the fetal alcohol spectrum disorders  
6 commission, referred to in this section as the "commission". The  
7 commission is created as a temporary commission under section 22 of  
8 article IV of the state constitution. The commission ~~shall be~~ IS composed  
9 of no more than twelve members. ~~On or before August 30, 2009, the~~  
10 ~~executive director, in consultation with a nonprofit organization that~~  
11 ~~works with FASD issues, shall appoint the commission members with the~~  
12 ~~goal of selecting~~ THE COMMISSION MUST INCLUDE a broad representation  
13 of individuals working in the field of FASD. ~~The commission shall~~  
14 ~~include representation from FASD, INCLUDING~~ the following areas and  
15 groups in any combination the executive director deems appropriate:

- 16 (I) Pediatrics;
- 17 (II) Family physicians;
- 18 (III) Child development programs that work with special needs  
19 children;
- 20 (IV) The department of public health and environment;
- 21 (V) The juvenile justice system;
- 22 (VI) Preschool, elementary, secondary, and higher education;
- 23 (VII) Parents, foster parents, or legal guardians of children or  
24 adults affected by FASD;
- 25 (VIII) The developmentally disabled community;
- 26 (IX) Speech, language, and occupational therapy;
- 27 (X) The department of education; and

1 (XI) A representative of a trade association that represents  
2 licensed beverage retailers in Colorado.

3 (b) ~~The commission shall meet at least once on or before~~  
4 ~~September 30, 2009. At its first meeting, the commission shall elect by a~~  
5 ~~majority vote a chairperson from among the commission members who~~  
6 ~~shall act as the presiding officer of the commission, determine a meeting~~  
7 ~~schedule, and develop a list of priorities.~~ Commission members shall  
8 serve without compensation or reimbursement of expenses.

9 (c) The commission shall develop a health warning sign and other  
10 informational materials for use by persons licensed pursuant to section  
11 12-47-401 (1) (h) to (1) (t), C.R.S., to sell malt, vinous, and spirituous  
12 liquors or licensed pursuant to section 12-46-104 (1) (c), C.R.S., to sell  
13 fermented malt beverages and a plan for making the sign and other  
14 informational materials available on-line to such licensed persons and  
15 other interested parties. At a minimum, the health warning sign shall read  
16 as follows:

17 HEALTH WARNING

18 DRINKING ANY ALCOHOLIC BEVERAGE DURING  
19 PREGNANCY MAY CAUSE BIRTH DEFECTS.

20 (d) ~~On or before December 1, 2009, and as needed thereafter,~~ The  
21 commission shall make recommendations to the unit and to the health and  
22 human services ~~committees~~ COMMITTEE of the senate and the PUBLIC  
23 HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE house of  
24 representatives, or any successor committees. The commission's  
25 recommendations ~~shall~~ MUST address the prevention of and education  
26 about FASD and any other FASD-related issues. The commission shall  
27 evaluate the use of the health warning signs developed pursuant to

1 paragraph (c) of this subsection (4), the response by licensed persons, as  
2 described in paragraph (c) of this subsection (4), to the signs, and the  
3 response by women and patrons to the signs. The commission shall make  
4 recommendations to the unit and to the health and human services  
5 ~~committees~~ COMMITTEE of the senate and the PUBLIC HEALTH CARE AND  
6 HUMAN SERVICES COMMITTEE OF THE house of representatives, or any  
7 successor committees, on the most effective use of the warning signs and  
8 shall also recommend the most effective use of other written and  
9 electronic informational materials in the future.

10 (e) This subsection (4) is repealed, effective June 30, 2015.

11 **SECTION 33.** In Colorado Revised Statutes, **add with amended**  
12 **and relocated provisions** 27-80-123 as follows:

13 **27-80-123. [Formerly 27-80-117.] Rural substance use disorder**  
14 **prevention and treatment program - creation - administration -**  
15 **definitions - cash fund - repeal.** (1) As used in this section, unless the  
16 context otherwise requires:

17 (a) "Program" means the rural ~~alcohol and substance abuse~~  
18 SUBSTANCE USE DISORDERS prevention and treatment program created  
19 pursuant to subsection (2) of this section that ~~shall consist~~ CONSISTS of the  
20 rural youth ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS  
21 prevention and treatment project and the rural detoxification project.

22 (b) "Rural area" means a county with a population of less than  
23 thirty thousand people, according to the most recently available  
24 population statistics of the United States bureau of the census.

25 (c) "Youth" means an individual who is at least eight years of age  
26 but who is less than eighteen years of age.

27 (2) (a) (I) There is hereby created WITHIN THE UNIT the rural

1 ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS prevention and  
2 treatment program ~~within the unit~~ to provide:

3 (A) Prevention and treatment services to youth in rural ~~areas,~~  
4 ~~which~~ AREAS. THE services may include, but need not be limited to,  
5 providing alternative activities for youth through the rural youth ~~alcohol~~  
6 ~~and substance abuse~~ SUBSTANCE USE DISORDERS prevention and treatment  
7 project; and

8 (B) Treatment services to persons ~~addicted to alcohol or drugs~~  
9 WHO MISUSE SUBSTANCES OR HAVE A SUBSTANCE USE DISORDER through  
10 the rural detoxification project.

11 (II) The unit shall administer the program pursuant to rules  
12 adopted by the state board of human services as of January 1, 2010, or as  
13 amended by the state board thereafter.

14 (b) The unit shall incorporate provisions to implement the  
15 program into its regular contracting mechanism for the purchase of  
16 prevention and treatment services pursuant to section 27-80-106,  
17 including but not limited to detoxification programs. The unit shall  
18 develop a method to equitably distribute and provide additional moneys  
19 through contracts to provide for prevention services for and treatment of  
20 persons WITH SUBSTANCE USE DISORDERS in rural areas.

21 (c) Notwithstanding any provision of this section to the contrary,  
22 the unit shall implement the program on or after January 1, 2011, subject  
23 to the availability of sufficient moneys to operate an effective program,  
24 as determined by the unit.

25 (3) (a) There is hereby created in the state treasury the rural  
26 ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS cash fund,  
27 referred to in this section as the "fund", that ~~shall consist~~ CONSISTS of the



1 rural youth ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS  
2 prevention and treatment account, referred to in this section as the "youth  
3 account", and the rural detoxification account, referred to in this section  
4 as the "detoxification account". The fund ~~shall be~~ IS comprised of moneys  
5 collected from surcharges assessed pursuant to sections 18-19-103.5,  
6 42-4-1307 (10) (d) (I), and 42-4-1701 (4) (f), C.R.S., which moneys THE  
7 TREASURER ~~shall be divided~~ DIVIDE equally between the youth account  
8 and the detoxification account, and any moneys credited to the fund  
9 pursuant to paragraph (b) of this subsection (3), which moneys THE  
10 TREASURER ~~shall be divided~~ DIVIDE equally between the youth account  
11 and the detoxification account unless the grantee or donor specifies to  
12 which account the grant, gift, or donation shall be credited. The moneys  
13 in the fund ~~shall be~~ ARE subject to annual appropriation by the general  
14 assembly to the unit for the purpose of implementing the program. All  
15 interest derived from the deposit and investment of moneys in the fund  
16 ~~shall~~ MUST remain in the fund. Any unexpended or unencumbered  
17 moneys remaining in the fund at the end of a fiscal year ~~shall remain~~  
18 REMAIN in the fund and shall not be transferred or credited to the general  
19 fund or another fund; except that any unexpended and unencumbered  
20 moneys remaining in the fund as of June 30, 2016, ~~shall~~ MUST be credited  
21 to the general fund.

22 (b) The unit is authorized to accept any grants, gifts, or donations  
23 from any private or public source on behalf of the state for the purpose of  
24 the program. The unit shall transmit all private and public moneys  
25 received through grants, gifts, or donations to the state treasurer, who  
26 shall credit the same to the fund.

27 (4) (a) ALL UNEXPENDED AND UNENCUMBERED MONEYS

1 REMAINING IN THE RURAL ALCOHOL AND SUBSTANCE ABUSE CASH FUND  
2 AS OF JULY 1, 2014, SHALL BE TRANSFERRED TO THE RURAL SUBSTANCE  
3 USE DISORDERS CASH FUND.

4 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2015.

5 ~~(4)~~ (5) (a) This section is repealed, effective July 1, 2016.

6 (b) Prior to such repeal, the program shall be reviewed as  
7 provided in section 24-34-104, C.R.S.

8 **SECTION 34.** In Colorado Revised Statutes, **repeal and reenact,**  
9 **with amendments,** 27-81-101 as follows:

10 **27-81-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
11 HEREBY DECLARES THAT THE PURPOSES OF THIS ARTICLE ARE TO:

12 (a) SECURE FOR EACH PERSON WHO IS INTOXICATED, SUBSTANCE  
13 DEPENDENT OR UNDER THE INFLUENCE OF SUBSTANCES THE SPECIFIC CARE  
14 AND TREATMENT SUITED TO THE INDIVIDUAL NEEDS OF THAT PERSON AND  
15 TO ENSURE THAT SUCH CARE AND TREATMENT ARE SKILLFULLY AND  
16 HUMANELY ADMINISTERED WITH FULL RESPECT FOR THE PERSON'S DIGNITY  
17 AND PERSONAL INTEGRITY;

18 (b) DEPRIVE A PERSON WHO IS INTOXICATED, SUBSTANCE  
19 DEPENDENT OR UNDER THE INFLUENCE OF SUBSTANCES OF HIS OR HER  
20 LIBERTY FOR THE PURPOSES OF CARE AND TREATMENT ONLY WHEN, AS A  
21 RESULT OF BEING INTOXICATED, SUBSTANCE DEPENDENT OR UNDER THE  
22 INFLUENCE OF SUBSTANCES , HE OR SHE IS A DANGER TO SELF OR OTHERS  
23 OR IS GRAVELY DISABLED AND ONLY WHEN LESS RESTRICTIVE  
24 ALTERNATIVES ARE UNAVAILABLE;

25 (c) PROVIDE THE FULLEST POSSIBLE MEASURE OF PRIVACY,  
26 DIGNITY, AND OTHER RECOGNIZED RIGHTS TO PERSONS WHO ARE  
27 UNDERGOING CARE AND TREATMENT FOR SUBSTANCE USE DISORDERS;

1 (d) ENCOURAGE THE USE OF VOLUNTARY RATHER THAN COERCIVE  
2 MEASURES TO PROVIDE CARE AND TREATMENT FOR SUBSTANCE USE  
3 DISORDERS AND TO PROVIDE SUCH CARE AND TREATMENT IN THE LEAST  
4 RESTRICTIVE SETTING;

5 (e) ENCOURAGE THE APPROPRIATE PARTICIPATION OF FAMILY  
6 MEMBERS IN THE CARE AND TREATMENT OF A PERSON WITH A SUBSTANCE  
7 USE DISORDER AND, WHEN APPROPRIATE AND WITH THE PERSON'S  
8 CONSENT, TO PROVIDE APPROPRIATE INFORMATION TO FAMILY MEMBERS  
9 TO FACILITATE SUCH PARTICIPATION; AND

10 (f) FACILITATE THE RECOVERY AND RESILIENCY OF EACH PERSON  
11 WHO RECEIVES CARE AND TREATMENT PURSUANT TO THIS ARTICLE.

12 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS THE  
13 POLICY OF COLORADO THAT A PERSON WHO IS INTOXICATED, SUBSTANCE  
14 DEPENDENT OR UNDER THE INFLUENCE OF SUBSTANCES SHOULD BE  
15 AFFORDED ADEQUATE CARE AND TREATMENT SO HE OR SHE MAY BE A  
16 PRODUCTIVE MEMBER OF SOCIETY.

17 (3) THEREFORE, THE GENERAL ASSEMBLY HEREBY FINDS AND  
18 DECLARES THAT SUBSTANCE MISUSE AND SUBSTANCE DEPENDENCY ARE  
19 MATTERS OF STATEWIDE CONCERN.

20 **SECTION 35.** In Colorado Revised Statutes, **repeal and reenact,**  
21 **with amendments,** 27-81-102 as follows:

22 **27-81-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "APPROVED TREATMENT FACILITY" MEANS A TREATMENT  
25 FACILITY APPROVED BY OR OPERATING UNDER THE DIRECTION AND  
26 CONTROL OF THE UNIT OR PROVIDING TREATMENT PURSUANT TO THIS  
27 ARTICLE THROUGH A CONTRACT WITH THE UNIT AND MEETING THE

1 STANDARDS PRESCRIBED IN AND APPROVED BY THE UNIT PURSUANT TO  
2 SECTION 27-80-108.5.

3 (2) "COURT" MEANS THE DISTRICT COURT IN THE COUNTY IN  
4 WHICH THE PERSON NAMED IN A PETITION FILED PURSUANT TO THIS  
5 ARTICLE RESIDES OR IS PHYSICALLY PRESENT. IN THE CITY AND COUNTY OF  
6 DENVER, "COURT" MEANS THE PROBATE COURT.

7 (3) "DANGER TO SELF OR OTHERS" MEANS THAT:

8 (a) WITH RESPECT TO AN INDIVIDUAL, THAT THE INDIVIDUAL POSES  
9 A SUBSTANTIAL RISK OF PHYSICAL HARM TO HIMSELF OR HERSELF AS  
10 MANIFESTED BY EVIDENCE OF RECENT THREATS OF OR ATTEMPTS AT  
11 SUICIDE OR SERIOUS BODILY HARM TO HIMSELF OR HERSELF; OR

12 (b) WITH RESPECT TO OTHER PERSONS, THAT THE INDIVIDUAL  
13 POSES A SUBSTANTIAL RISK OF PHYSICAL HARM TO ANOTHER PERSON OR  
14 PERSONS, AS MANIFESTED BY EVIDENCE OF RECENT HOMICIDAL OR OTHER  
15 VIOLENT BEHAVIOR DIRECTED TOWARDS ANOTHER PERSON OR PERSONS BY  
16 THE INDIVIDUAL IN QUESTION, OR BY EVIDENCE THAT ANOTHER PERSON OR  
17 PERSONS ARE PLACED IN REASONABLE FEAR OF VIOLENT BEHAVIOR OR  
18 SERIOUS PHYSICAL HARM, AS MANIFESTED BY A RECENT OVERT ACT,  
19 ATTEMPT, OR THREAT TO DO SERIOUS PHYSICAL HARM BY THE INDIVIDUAL  
20 IN QUESTION.

21 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES  
22 CREATED IN SECTION 26-1-105, C.R.S.

23 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE UNIT.

24 (6) "EMERGENCY SERVICE PATROL" MEANS A PATROL  
25 ESTABLISHED PURSUANT TO SECTION 27-81-115.

26 (7) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
27 THE DEPARTMENT.

1           (8) "FAMILY MEMBER" MEANS A SPOUSE, CIVIL UNION PARTNER,  
2 PARENT, ADULT CHILD, OR ADULT SIBLING OF A PERSON WITH A MENTAL  
3 ILLNESS.

4           (9) (a) "GRAVELY DISABLED" MEANS A CONDITION IN WHICH A  
5 PERSON:

6           (I) LACKS JUDGMENT IN THE MANAGEMENT OF HIS OR HER  
7 RESOURCES OR IN THE CONDUCT OF HIS OR HER SOCIAL RELATIONS TO THE  
8 EXTENT THAT HIS OR HER HEALTH OR SAFETY IS SIGNIFICANTLY  
9 ENDANGERED; OR

10          (II) IS INCAPABLE OF MAKING INFORMED DECISIONS ABOUT, OR  
11 PROVIDING FOR, HIS OR HER ESSENTIAL NEEDS WITHOUT SIGNIFICANT  
12 SUPERVISION OR ASSISTANCE FROM OTHER PEOPLE, DOES NOT HAVE, OR  
13 HAS LOST, OR IS AT RISK OF LOSING, NECESSARY CARE AND SUPPORT  
14 WITHOUT WHICH THE PERSON CANNOT FUNCTION SAFELY, AND, AS A  
15 RESULT, IS AT RISK OF:

16           (A) SUBSTANTIAL BODILY HARM;

17           (B) DANGEROUS WORSENING OF ANY CONCOMITANT SERIOUS  
18 PHYSICAL ILLNESS;

19           (C) SIGNIFICANT DETERIORATION IN MENTAL FUNCTIONING;

20           (D) MISMANAGEMENT OF HIS OR HER ESSENTIAL NEEDS THAT  
21 COULD RESULT IN SUBSTANTIAL BODILY HARM, INCLUDING BUT NOT  
22 LIMITED TO NOURISHMENT, SAFE SHELTER, MEDICAL NEEDS, AND  
23 CLOTHING; OR

24           (E) DESTRUCTION OF PROPERTY THAT COULD RESULT IN  
25 SUBSTANTIAL BODILY HARM.

26           (b) A PERSON OF ANY AGE MAY BE "GRAVELY DISABLED", BUT  
27 SUCH TERM DOES NOT INCLUDE A PERSON WHOSE DECISION-MAKING

1 CAPABILITIES ARE LIMITED SOLELY BY HIS OR HER DEVELOPMENTAL  
2 DISABILITY.

3 (10) "MINOR" MEANS A PERSON UNDER THE AGE OF EIGHTEEN  
4 YEARS.

5 (11) "PERSON WHO IS UNDER THE INFLUENCE OF SUBSTANCES"  
6 MEANS A PERSON WHOSE MENTAL OR PHYSICAL FUNCTIONING IS  
7 TEMPORARILY BUT SUBSTANTIALLY IMPAIRED AS A RESULT OF THE  
8 PRESENCE OF SUBSTANCES IN HIS OR HER BODY.

9 (12) "PERSON WHO MISUSES SUBSTANCES" MEANS A PERSON WHO  
10 CONSISTENTLY USES SUBSTANCES TO THE EXTENT THAT HIS OR HER  
11 HEALTH IS SUBSTANTIALLY IMPAIRED OR ENDANGERED OR HIS OR HER  
12 SOCIAL FUNCTIONING IN THE COMMUNITY IS SUBSTANTIALLY DISRUPTED,  
13 INCLUDING BUT NOT LIMITED TO WORK, SCHOOL, OR HOME.

14 (13) "PROFESSIONAL PERSON" MEANS A PERSON LICENSED TO  
15 PRACTICE MEDICINE IN THIS STATE, A PSYCHOLOGIST CERTIFIED TO  
16 PRACTICE IN THIS STATE, OR A PERSON LICENSED AND IN GOOD STANDING  
17 TO PRACTICE MEDICINE IN ANOTHER STATE OR A PSYCHOLOGIST CERTIFIED  
18 TO PRACTICE AND IN GOOD STANDING IN ANOTHER STATE WHO IS  
19 PROVIDING MEDICAL OR CLINICAL SERVICES AT A TREATMENT FACILITY IN  
20 THIS STATE THAT IS OPERATED BY THE ARMED FORCES OF THE UNITED  
21 STATES, THE UNITED STATES PUBLIC HEALTH SERVICE, OR THE UNITED  
22 STATES DEPARTMENT OF VETERANS AFFAIRS.

23 (14) "SUBSTANCE" MEANS A CONTROLLED SUBSTANCE AS DEFINED  
24 IN SECTION 18-18-102 (5), C.R.S., TOXIC VAPORS, ALCOHOL, OR ANY  
25 OTHER CHEMICAL THAT CAUSES AN ALTERED MENTAL STATE.

26 (15) "TREATMENT" MEANS THE BROAD RANGE OF EMERGENCY,  
27 OUTPATIENT, INTERMEDIATE, AND INPATIENT SERVICES AND CARE,

1 INCLUDING DIAGNOSTIC EVALUATION, MEDICAL, PSYCHIATRIC,  
2 PSYCHOLOGICAL, AND SOCIAL SERVICE CARE, VOCATIONAL  
3 REHABILITATION, PEER ASSISTANCE SERVICES, AND CAREER COUNSELING,  
4 THAT MAY BE EXTENDED TO A PERSON WHO MISUSES SUBSTANCES OR IS  
5 UNDER THE INFLUENCE OF SUBSTANCES.

6 (16) "TOXIC VAPORS" MEANS A SUBSTANCE OR PRODUCT  
7 CONTAINING SUBSTANCES AS DEFINED IN SECTION 18-18-412 (3), C.R.S.

8 (17) "UNIT" MEANS THE UNIT IN THE DEPARTMENT THAT  
9 ADMINISTERS BEHAVIORAL HEALTH PROGRAMS AND SERVICES, INCLUDING  
10 THOSE RELATED TO MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

11 **SECTION 36.** In Colorado Revised Statutes, **add** 27-81-108.5 as  
12 follows:

13 **27-81-108.5. Advance directives for persons with behavioral**  
14 **health illnesses.** AN APPROVED TREATMENT FACILITY IS ENCOURAGED TO  
15 INQUIRE WHETHER AN INDIVIDUAL WHO IS BEING ADMITTED TO THE  
16 FACILITY PURSUANT TO SECTION 27-81-110, 27-81-111, 27-81-111.3,  
17 27-81-112, 27-81-112.1, OR 27-81-112.3 HAS AN ADVANCED DIRECTIVE FOR  
18 A PERSON WITH A BEHAVIORAL HEALTH ILLNESS. IF THE PERSON BEING  
19 ADMITTED HAS AN ADVANCE DIRECTIVE FOR A PERSON WITH A  
20 BEHAVIORAL HEALTH ILLNESS, THE APPROVED TREATMENT FACILITY  
21 SHALL TAKE THE PROVISIONS OF SUCH ADVANCE DIRECTIVE INTO ACCOUNT  
22 IN ITS EVALUATION AND TREATMENT IF THE PROVISIONS ARE MEDICALLY  
23 APPROPRIATE FOR CARE.

24 **SECTION 37.** In Colorado Revised Statutes, **amend** 27-81-110  
25 as follows:

26 **27-81-110. Voluntary treatment for persons under the**  
27 **influence of substances.** (1) An intoxicated person or person intoxicated

1 ~~or incapacitated by alcohol~~, A PERSON WHO MISUSES SUBSTANCES OR A  
2 PERSON WHO IS UNDER THE INFLUENCE OF SUBSTANCES, including a minor,  
3 may ~~voluntarily admit himself or herself~~ APPLY FOR ADMISSION to an  
4 approved treatment facility for ~~emergency~~ treatment.

5 (2) A person who comes voluntarily to an approved treatment  
6 facility shall be evaluated or examined IMMEDIATELY by the facility  
7 administrator or by his or her authorized designee, WITHIN AVAILABLE  
8 RESOURCES. ~~immediately~~. A person ~~found to be in need of~~ WHO THE  
9 FACILITY ADMINISTRATOR OF THE APPROVED TREATMENT FACILITY, OR HIS  
10 OR HER DESIGNEE, DETERMINES NEEDS treatment ~~shall~~ MUST then be  
11 admitted TO THAT FACILITY or referred to another appropriate TREATMENT  
12 facility. If ~~a~~ THE FACILITY ADMINISTRATOR OF THE APPROVED TREATMENT  
13 FACILITY, OR HIS OR HER DESIGNEE, DETERMINES THAT THE person ~~is~~  
14 ~~found not to be in~~ DOES NOT need of treatment, he or she ~~shall~~ MAY be  
15 released or referred to another appropriate TREATMENT facility.

16 (3) Except as provided in subsection (7) of this section, AN  
17 APPROVED TREATMENT FACILITY SHALL IMMEDIATELY RELEASE a  
18 voluntarily admitted person ~~shall be released from the approved treatment~~  
19 ~~facility immediately~~ upon his or her request.

20 (4) A person who is not admitted to an approved treatment  
21 facility, and who is not referred to another health facility, and who has no  
22 funds may be taken to his or her home, if any. If he or she has no home,  
23 the approved treatment facility may assist him or her in obtaining shelter.

24 (5) ~~If a person is admitted to an approved treatment facility, his or~~  
25 ~~her family or next of kin shall be notified as promptly as possible. If an~~  
26 ~~adult person requests that there be no notification, his or her request shall~~  
27 ~~be respected~~. IF AN APPROVED TREATMENT FACILITY ADMITS A PERSON



1 WHO IS NOT A MINOR, THE APPROVED TREATMENT FACILITY SHALL NOTIFY  
2 THE PERSON'S FAMILY OR NEXT OF KIN ONLY IF THAT PERSON HAS SIGNED  
3 A RELEASE OF INFORMATION OR GIVEN WRITTEN CONSENT.

4 (6) If the administrator in charge of the approved treatment  
5 facility or his or her authorized designee determines that it is for the  
6 person's benefit, the ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL  
7 ENCOURAGE THE person ~~shall be encouraged~~ to agree to ~~further~~ OBTAIN  
8 ADDITIONAL diagnosis and appropriate voluntary treatment. If it appears  
9 to the administrator in charge of the APPROVED treatment facility that the  
10 patient is ~~an alcoholic~~ A PERSON WHO MISUSES SUBSTANCES OR IS UNDER  
11 THE INFLUENCE OF SUBSTANCES and requires help, the administrator ~~may~~  
12 ~~arrange for assistance in~~ SHALL ASSIST THE PATIENT IN obtaining  
13 supportive services ~~and~~ OR CARE AT residential facilities.

14 (7) Nothing in this section ~~shall preclude~~ PRECLUDES the approved  
15 treatment facility administrator or his or her authorized designee from  
16 seeking AN emergency ~~commitment~~ HOLD of a person as provided FOR in  
17 section 27-81-111 OR 27-81-111.3 or involuntary ~~commitment~~  
18 SHORT-TERM CERTIFICATION of a person as provided FOR in section  
19 27-81-112, regardless of whether ~~such~~ THE person has been voluntarily  
20 admitted ~~under~~ PURSUANT TO this section. In such cases, the  
21 administrator's or designee's further conduct ~~shall be~~ IS governed by  
22 section 27-81-111 or 27-81-112, as applicable.

23 **SECTION 38.** In Colorado Revised Statutes, **amend** 27-81-111  
24 as follows:

25 **27-81-111. Emergency hold - petition for substance misuse**  
26 **evaluation.** (1) (a) When a person is ~~intoxicated or incapacitated by~~  
27 ~~alcohol and clearly dangerous to the health and safety of himself, herself,~~

1 ~~or others, he or she~~ UNDER THE INFLUENCE OF SUBSTANCES AND, AS A  
2 RESULT OF BEING UNDER THE INFLUENCE OF SUBSTANCES, HE OR SHE IS A  
3 DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED, LAW  
4 ENFORCEMENT AUTHORITIES OR AN EMERGENCY SERVICE PATROL, ACTING  
5 WITH PROBABLE CAUSE, ~~shall be taken~~ TAKE THE PERSON into protective  
6 custody ~~by law enforcement authorities or an emergency service patrol,~~  
7 ~~acting with probable cause,~~ and ~~placed~~ PLACE HIM OR HER in an approved  
8 treatment facility. ~~If no such facilities are~~ AN APPROVED TREATMENT  
9 FACILITY IS NOT available, he or she may be detained in an emergency  
10 medical facility or jail, but only for so long as may be necessary to  
11 prevent injury to himself, herself, or others or to prevent a breach of the  
12 peace. If the person being detained IN JAIL is a ~~juvenile, as defined in~~  
13 ~~section 19-1-103 (68), C.R.S., the juvenile shall~~ MINOR, THE MINOR MUST  
14 be placed in a setting that is nonsecure and physically segregated by sight  
15 and sound from the adult ~~offenders~~ POPULATION. A law enforcement  
16 officer or emergency service patrol officer, in detaining the person, is  
17 taking him or her into protective custody. In so doing, the detaining  
18 officer may protect himself or herself by reasonable methods but shall  
19 make every reasonable effort to protect the detainee's health and safety.  
20 A taking into protective custody under this section is not an arrest, and ~~no~~  
21 AN entry or other record shall NOT be made to indicate that the person has  
22 been arrested or charged with a crime. Law enforcement or emergency  
23 service personnel who act in compliance with this section are acting in the  
24 course of their official duties and are THEREFORE not criminally or civilly  
25 liable. ~~therefor.~~ Nothing in this subsection (1) ~~shall preclude an~~  
26 ~~intoxicated or incapacitated person~~ PRECLUDES A PERSON WHO MISUSES  
27 SUBSTANCES OR IS UNDER THE INFLUENCE OF SUBSTANCES AND who is not

1 ~~dangerous to the health and safety of himself, herself,~~ A DANGER TO SELF  
2 or others OR IS NOT GRAVELY DISABLED from being assisted to his or her  
3 home or like location by the law enforcement officer or emergency  
4 service patrol officer.

5 (b) A sheriff or police chief who violates the provisions of  
6 paragraph (a) of this subsection (1) ~~related to detaining juveniles~~ may be  
7 subject to a civil fine of no more than one thousand dollars. The decision  
8 to fine ~~shall~~ MUST be based on prior violations of the provisions of  
9 paragraph (a) of this subsection (1) by the sheriff or police chief and the  
10 willingness of the sheriff or police chief to address the violations in order  
11 to comply with paragraph (a) of this subsection (1).

12 (2) A law enforcement officer ~~emergency service patrolman,~~  
13 ~~physician, spouse, guardian, or relative of the person to be committed,~~ or  
14 any other responsible person EIGHTEEN YEARS OF AGE OR OLDER WITH  
15 FIRSTHAND KNOWLEDGE OF THE SITUATION may ~~make a written~~  
16 ~~application~~ APPLY IN WRITING DIRECTLY TO THE ADMINISTRATOR OF THE  
17 APPROVED TREATMENT FACILITY for AN emergency ~~commitment under~~  
18 ~~this~~ HOLD PURSUANT TO THIS section. ~~directed to the administrator of the~~  
19 ~~approved treatment facility.~~ The application ~~shall~~ MUST state the  
20 circumstances requiring AN emergency ~~commitment~~ HOLD, including the  
21 applicant's personal observations and the specific statements of others, if  
22 any, upon which he or she relies in making the application. THE FACILITY  
23 ADMINISTRATOR, OR HIS OR HER DESIGNEE, SHALL FURNISH a copy of the  
24 application ~~shall be furnished~~ to the person to be ~~committed~~ HELD.

25 (3) If the approved treatment facility administrator or his or her  
26 authorized designee approves the application, the person shall be  
27 ~~committed~~ HELD, evaluated, and treated for a period not to exceed five

1 CALENDAR days. A PEACE OFFICER, THE EMERGENCY SERVICE PATROL, OR  
2 ANY INTERESTED PERSON SHALL BRING the person ~~shall be brought~~ to the  
3 APPROVED TREATMENT facility. ~~by a peace officer, the emergency service~~  
4 ~~patrol, or any interested person.~~ If necessary, the court may be contacted  
5 to issue an order to the police ~~the peace officer's department,~~ or the  
6 sheriff's department to transport the person to the APPROVED TREATMENT  
7 facility.

8 (3.5) AN APPROVED TREATMENT FACILITY THAT ADMITS A PERSON  
9 PURSUANT TO THE PROVISIONS OF THIS ARTICLE SHALL EVALUATE THE  
10 PERSON AS SOON AS POSSIBLE AFTER HE OR SHE IS ADMITTED.

11 (4) If the approved treatment facility administrator or his or her  
12 authorized designee determines that the application fails to sustain the  
13 grounds for AN emergency ~~commitment~~ HOLD as set forth in subsection  
14 (1) of this section, the ~~commitment shall be refused~~ ADMINISTRATOR OR  
15 HIS OR HER AUTHORIZED DESIGNEE SHALL REFUSE THE EMERGENCY HOLD  
16 and the person detained SHALL BE immediately released. ~~and~~ THE  
17 ADMINISTRATOR OR HIS OR HER AUTHORIZED DESIGNEE SHALL  
18 ENCOURAGE the person ~~shall be encouraged~~ to seek voluntary treatment  
19 if appropriate.

20 (5) When the administrator OR HIS OR HER AUTHORIZED DESIGNEE  
21 determines that the grounds for ~~commitment~~ AN EMERGENCY HOLD no  
22 longer exist, he or she shall discharge the person ~~committed under~~ BEING  
23 HELD PURSUANT TO this section. AT THE TIME OF DISCHARGE, THE PERSON  
24 SHALL BE OFFERED THE OPPORTUNITY TO ENROLL IN VOLUNTARY  
25 TREATMENT. A person ~~committed under~~ WHO IS ON AN EMERGENCY HOLD  
26 PURSUANT TO this section may not be detained in any APPROVED treatment  
27 facility for more than five CALENDAR days; except that a person may be

1 ~~detained~~ HELD for longer than five CALENDAR days at the approved  
2 treatment facility if, in that period of time, a ~~petition for involuntary~~  
3 ~~commitment~~ NOTICE OF CERTIFICATION FOR SHORT-TERM TREATMENT has  
4 been filed pursuant to section 27-81-112. ~~A person may not be detained~~  
5 ~~longer than ten days after the date of filing of the petition for involuntary~~  
6 ~~commitment.~~

7 (6) Whenever a person is ~~involuntarily detained~~ PLACED ON AN  
8 EMERGENCY HOLD pursuant to this section, ~~he or she shall immediately be~~  
9 ~~advised by the facility administrator or his or her authorized designee,~~  
10 THE FACILITY ADMINISTRATOR OR HIS OR HER AUTHORIZED DESIGNEE  
11 SHALL IMMEDIATELY ADVISE THE PERSON, both orally and in writing, of  
12 his or her right to challenge ~~such detention~~ THE EMERGENCY HOLD by  
13 application to the courts for a writ of habeas corpus, to be represented by  
14 counsel at every stage of any proceedings relating to ~~his or her~~  
15 ~~commitment and recommitment~~ THE EMERGENCY HOLD, and to have  
16 counsel appointed by the court or provided by the court if he or she wants  
17 the assistance of counsel and is unable to obtain counsel.

18 **SECTION 39.** In Colorado Revised Statutes, **add** 27-81-111.3 as  
19 follows:

20 **27-81-111.3. Petition for court-ordered emergency hold.**

21 (1) AN INDIVIDUAL ALLEGED TO HAVE MISUSED SUBSTANCES OR TO BE  
22 UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT OF SUCH, IS A  
23 DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED MAY HAVE HIS OR  
24 HER CONDITION EVALUATED UNDER A COURT ORDER PURSUANT TO THIS  
25 SECTION.

26 (2) AN INDIVIDUAL MAY PETITION THE COURT IN THE COUNTY IN  
27 WHICH THE RESPONDENT RESIDES OR IS PHYSICALLY PRESENT ALLEGING

1 THAT THERE IS A PERSON WHO APPEARS TO HAVE MISUSED SUBSTANCES OR  
2 TO BE UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT OF SUCH,  
3 APPEARS TO BE A DANGER TO SELF OR OTHERS OR TO BE GRAVELY  
4 DISABLED. THE PETITION MAY REQUEST AN EVALUATION OF THE  
5 RESPONDENT'S CONDITION.

6 (3) THE PETITION FOR A COURT-ORDERED EVALUATION MUST  
7 CONTAIN THE FOLLOWING:

8 (a) THE NAME AND ADDRESS OF THE PETITIONER AND HIS OR HER  
9 INTEREST IN THE CASE;

10 (b) THE NAME OF THE PERSON FOR WHOM EVALUATION IS SOUGHT,  
11 DESIGNATED AS THE RESPONDENT, AND, IF KNOWN TO THE PETITIONER,  
12 THE ADDRESS, AGE, SEX, MARITAL STATUS, AND OCCUPATION OF THE  
13 RESPONDENT;

14 (c) ALLEGATIONS OF FACT INDICATING THAT THE RESPONDENT  
15 MAY HAVE MISUSED SUBSTANCES OR IS UNDER THE INFLUENCE OF  
16 SUBSTANCES AND, AS A RESULT OF SUCH, IS A DANGER TO SELF OR OTHERS  
17 OR IS GRAVELY DISABLED AND SHOWING REASONABLE GROUNDS TO  
18 WARRANT AN EVALUATION;

19 (d) THE NAME AND ADDRESS OF EVERY PERSON KNOWN OR  
20 BELIEVED BY THE PETITIONER TO BE LEGALLY RESPONSIBLE FOR THE CARE,  
21 SUPPORT, AND MAINTENANCE OF THE RESPONDENT, IF AVAILABLE; AND

22 (e) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE  
23 ATTORNEY, IF ANY, WHO HAS MOST RECENTLY REPRESENTED THE  
24 RESPONDENT. IF THE RESPONDENT DOES NOT HAVE AN ATTORNEY, THE  
25 PETITION MUST INCLUDE A STATEMENT AS TO WHETHER, TO THE BEST  
26 KNOWLEDGE OF THE PETITIONER, THE RESPONDENT MEETS THE CRITERIA  
27 ESTABLISHED BY THE LEGAL AID AGENCY OPERATING IN THE COUNTY OR

1 CITY AND COUNTY FOR IT TO REPRESENT A CLIENT.

2 (4) UPON RECEIPT OF A PETITION SATISFYING THE REQUIREMENTS  
3 OF SUBSECTION (3) OF THIS SECTION, THE COURT SHALL DESIGNATE AN  
4 APPROVED TREATMENT FACILITY TO DETERMINE WHETHER THERE IS  
5 PROBABLE CAUSE TO BELIEVE THE ALLEGATIONS.

6 (5) FOLLOWING SCREENING, THE FACILITY ADMINISTRATOR, OR HIS  
7 OR HER DESIGNEE, OR A PROFESSIONAL PERSON DESIGNATED BY THE  
8 COURT SHALL FILE HIS OR HER REPORT WITH THE COURT. THE REPORT  
9 MUST INCLUDE A RECOMMENDATION AS TO WHETHER THERE IS PROBABLE  
10 CAUSE TO BELIEVE THAT THE RESPONDENT HAS MISUSED SUBSTANCES OR  
11 IS UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT OF SUCH, IS  
12 A DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED AND WHETHER  
13 THE RESPONDENT WILL VOLUNTARILY RECEIVE EVALUATION OR  
14 TREATMENT. THE SCREENING REPORT SUBMITTED TO THE COURT IS  
15 CONFIDENTIAL IN ACCORDANCE WITH SECTION 27-81-113, AND THE COURT  
16 SHALL FURNISH A COPY TO THE RESPONDENT OR HIS OR HER ATTORNEY OR  
17 PERSONAL REPRESENTATIVE.

18 (6) WHENEVER IT APPEARS, BY PETITION AND SCREENING  
19 PURSUANT TO THIS SECTION, TO THE SATISFACTION OF THE COURT THAT  
20 PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT HAS MISUSED  
21 SUBSTANCES OR IS UNDER THE INFLUENCE OF SUBSTANCES AND, AS A  
22 RESULT OF SUCH, IS A DANGER TO SELF OR OTHERS OR IS GRAVELY  
23 DISABLED AND THAT EFFORTS HAVE BEEN MADE TO SECURE THE  
24 COOPERATION OF THE RESPONDENT, WHO HAS REFUSED OR FAILED TO  
25 ACCEPT EVALUATION VOLUNTARILY, THE COURT SHALL ISSUE AN ORDER  
26 FOR EVALUATION THAT AUTHORIZES A CERTIFIED PEACE OFFICER TO TAKE  
27 THE RESPONDENT INTO CUSTODY AND PLACE HIM OR HER IN AN APPROVED

1 TREATMENT FACILITY FOR AN EMERGENCY HOLD. AT THE TIME THE  
2 RESPONDENT IS TAKEN INTO CUSTODY, THE COURT SHALL PROVIDE THE  
3 RESPONDENT OR HIS OR HER ATTORNEY WITH A COPY OF THE PETITION AND  
4 THE ORDER FOR EVALUATION, AND PROMPTLY THEREAFTER TO ANY ONE  
5 PERSON DESIGNATED BY THE RESPONDENT AND TO THE PERSON IN CHARGE  
6 OF THE EMERGENCY TREATMENT AND EVALUATION FACILITY NAMED IN  
7 THE ORDER, OR HIS OR HER DESIGNEE.

8 (7) THE APPROVED TREATMENT FACILITY SHALL EVALUATE THE  
9 RESPONDENT AS PROMPTLY AS POSSIBLE AND SHALL NOT DETAIN THE  
10 RESPONDENT LONGER THAN FIVE CALENDAR DAYS UNDER THE COURT  
11 ORDER, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS IF TREATMENT  
12 AND EVALUATION SERVICES ARE NOT AVAILABLE ON THOSE DAYS. WITHIN  
13 THAT TIME, THE RESPONDENT SHALL BE RELEASED, REFERRED FOR  
14 FURTHER CARE AND TREATMENT ON A VOLUNTARY BASIS, OR CERTIFIED  
15 FOR SHORT-TERM TREATMENT.

16 (8) AT THE TIME THE RESPONDENT IS TAKEN INTO CUSTODY FOR  
17 EVALUATION, OR WITHIN A REASONABLE TIME THEREAFTER, UNLESS A  
18 RESPONSIBLE RELATIVE IS IN POSSESSION OF THE RESPONDENT'S PERSONAL  
19 PROPERTY, THE CERTIFIED PEACE OFFICER TAKING THE RESPONDENT INTO  
20 CUSTODY SHALL TAKE REASONABLE PRECAUTIONS TO PRESERVE AND  
21 SAFEGUARD PERSONAL PROPERTY POSSESSED BY OR ON THE PREMISES  
22 OCCUPIED BY THE RESPONDENT.

23 (9) WHEN AN INDIVIDUAL IS INVOLUNTARILY ADMITTED TO AN  
24 APPROVED TREATMENT FACILITY FOR AN EMERGENCY HOLD PURSUANT TO  
25 THE PROVISIONS OF THIS SECTION, THE FACILITY DIRECTOR, OR HIS OR HER  
26 DESIGNEE, SHALL ADVISE THE INDIVIDUAL THAT HE OR SHE IS GOING TO BE  
27 EXAMINED WITH REGARD TO HIS OR HER SUBSTANCE MISUSE.



1 (10) WHENEVER AN INDIVIDUAL IS INVOLUNTARILY ADMITTED TO  
2 AN APPROVED TREATMENT FACILITY FOR AN EMERGENCY HOLD PURSUANT  
3 TO THE PROVISIONS OF THIS SECTION, THE FACILITY DIRECTOR, OR HIS OR  
4 HER DESIGNEE, SHALL ADVISE THE INDIVIDUAL OF HIS OR HER RIGHT TO  
5 RETAIN AND CONSULT WITH AN ATTORNEY AT ANY TIME AND THAT, IF HE  
6 OR SHE CANNOT AFFORD TO PAY AN ATTORNEY, UPON PROOF OF  
7 INDIGENCY, ONE WILL BE APPOINTED BY THE COURT WITHOUT COST.

8 **SECTION 40.** In Colorado Revised Statutes, **repeal and reenact,**  
9 **with amendments,** 27-81-112 as follows:

10 **27-81-112. [Similar to 27-82-108.] Certification for**  
11 **involuntary short-term treatment of persons who misuse substances**  
12 **or who are under the influence of substances.** (1) IF A PERSON IS  
13 PLACED ON AN EMERGENCY HOLD PURSUANT TO SECTION 27-81-111 OR  
14 27-81-111.3, HE OR SHE MAY BE CERTIFIED FOR TREATMENT OF A  
15 SUBSTANCE USE DISORDER FOR A PERIOD NOT TO EXCEED THREE MONTHS  
16 UNDER THE FOLLOWING CONDITIONS:

17 (a) A PROFESSIONAL PERSON ON STAFF AT THE APPROVED  
18 TREATMENT FACILITY THAT IS PROVIDING CARE AND TREATMENT UNDER  
19 THE EMERGENCY HOLD HAS EVALUATED THE PERSON'S CONDITION AND  
20 DETERMINED THAT THE PERSON EITHER MISUSES SUBSTANCES OR IS UNDER  
21 THE INFLUENCE OF SUBSTANCES AND, AS A RESULT, IS A DANGER TO SELF  
22 OR OTHERS OR IS GRAVELY DISABLED; AND

23 (b) THE APPROVED TREATMENT FACILITY PROVIDING THE  
24 SHORT-TERM TREATMENT HAS BEEN DESIGNATED BY THE EXECUTIVE  
25 DIRECTOR TO PROVIDE SUCH TREATMENT PURSUANT TO SECTION  
26 27-80-109.5; AND

27 (c) (I) THE PERSON HAS BEEN ADVISED OF THE AVAILABILITY OF

1 VOLUNTARY TREATMENT BUT HAS NOT ACCEPTED SUCH TREATMENT; OR

2 (II) THE PERSON HAS BEEN ADVISED OF THE AVAILABILITY OF  
3 VOLUNTARY TREATMENT AND HAS ACCEPTED VOLUNTARY TREATMENT  
4 BUT REASONABLE GROUNDS EXIST, AS EVIDENCED BY PAST BEHAVIORS, TO  
5 BELIEVE THAT HE OR SHE WILL NOT REMAIN IN VOLUNTARY TREATMENT.

6 (2) A PROFESSIONAL PERSON ON THE STAFF OF THE APPROVED  
7 TREATMENT FACILITY WHO PARTICIPATED IN THE PERSON'S EVALUATION  
8 SHALL SIGN THE NOTICE OF CERTIFICATION FOR SHORT-TERM TREATMENT  
9 AND SHALL STATE FACTS SUFFICIENT TO ESTABLISH REASONABLE  
10 GROUNDS TO BELIEVE THAT THE PERSON MISUSES SUBSTANCES OR IS  
11 UNDER THE INFLUENCE OF SUBSTANCES AND, AS A RESULT, IS A DANGER  
12 TO SELF OR OTHERS OR IS GRAVELY DISABLED. THE APPROVED TREATMENT  
13 FACILITY SHALL FILE THE NOTICE OF CERTIFICATION FOR SHORT-TERM  
14 TREATMENT WITH THE COURT WITHIN FORTY-EIGHT HOURS AFTER THE  
15 DATE AND TIME OF CERTIFICATION, EXCLUDING SATURDAYS, SUNDAYS,  
16 AND COURT HOLIDAYS. THE NOTICE OF CERTIFICATION MUST BE FILED IN  
17 THE COUNTY IN WHICH THE RESPONDENT RESIDES OR WHERE THE  
18 RESPONDENT WAS PHYSICALLY PRESENT WHEN HE OR SHE WAS TAKEN  
19 INTO PROTECTIVE CUSTODY AND TRANSPORTED TO THE APPROVED  
20 TREATMENT FACILITY PURSUANT TO SECTION 27-81-111 OR 27-81-111.3.

21 (3) THE APPROVED TREATMENT FACILITY SHALL PERFORM THE  
22 FOLLOWING FUNCTIONS:

23 (a) PERSONALLY DELIVER TO THE RESPONDENT A COPY OF THE  
24 CERTIFICATION, INCLUDING THE PROFESSIONAL PERSON'S STATEMENT OF  
25 FACTS WITHIN TWENTY-FOUR HOURS OF THE CERTIFICATION;

26 (b) KEEP A COPY OF THE CERTIFICATION AS PART OF THE  
27 RESPONDENT'S RECORD;

1           (c) ASK THE RESPONDENT TO DESIGNATE AT LEAST ONE PERSON  
2 THAT HE OR SHE WISHES TO BE INFORMED REGARDING THE CERTIFICATION.  
3 IF THE RESPONDENT IS INCAPABLE OF MAKING SUCH A DESIGNATION AT  
4 THE TIME THAT THE HE OR SHE RECEIVES NOTICE OF CERTIFICATION, THE  
5 DESIGNATED APPROVED TREATMENT FACILITY SHALL ASK THE  
6 RESPONDENT TO DESIGNATE SUCH AN INDIVIDUAL AS SOON AS HE OR SHE  
7 IS CAPABLE OF DOING SO.

8           (d) PROVIDE THE RESPONDENT WITH WRITTEN NOTICE THAT, UPON  
9 WRITTEN REQUEST BY THE RESPONDENT OR HIS OR HER COUNSEL DIRECTED  
10 TO THE COURT WHERE THE NOTICE OF CERTIFICATION WAS FILED, A  
11 HEARING CONCERNING THE CERTIFICATION FOR SHORT-TERM TREATMENT  
12 MAY BE GRANTED.

13           (4) UPON CERTIFICATION OF THE RESPONDENT, THE APPROVED  
14 TREATMENT FACILITY FOR SHORT-TERM TREATMENT HAS CUSTODY OF THE  
15 RESPONDENT.

16           (5) WHENEVER A NOTICE OF CERTIFICATION FOR SHORT-TERM  
17 TREATMENT IS FILED WITH THE COURT, THE COURT, IF IT HAS NOT  
18 ALREADY DONE SO PURSUANT TO SECTION 27-81-111.3, SHALL NOTIFY THE  
19 RESPONDENT OF HIS OR HER RIGHT TO COUNSEL. THE COURT SHALL  
20 DETERMINE WHETHER THE RESPONDENT IS ABLE TO AFFORD AN ATTORNEY.  
21 IF THE RESPONDENT MEETS THE INDIGENCY GUIDELINES AND CANNOT  
22 AFFORD AN ATTORNEY, THE COURT SHALL APPOINT COUNSEL, EITHER  
23 FROM THE LEGAL SERVICES PROGRAM THAT OPERATES IN THE  
24 JURISDICTION OR PRIVATE COUNSEL. THE COURT SHALL PROVIDE THE  
25 ATTORNEY REPRESENTING THE RESPONDENT WITH A COPY OF THE  
26 CERTIFICATION IMMEDIATELY UPON APPOINTMENT. WAIVER OF COUNSEL  
27 MUST BE KNOWINGLY AND INTELLIGENTLY MADE IN WRITING AND FILED

1 WITH THE COURT BY THE RESPONDENT. IN THE EVENT THAT A RESPONDENT  
2 WHO IS ABLE TO AFFORD AN ATTORNEY FAILS TO PAY THE APPOINTED  
3 COUNSEL, THE COURT-APPOINTED COUNSEL, UPON APPLICATION TO THE  
4 COURT AND AFTER APPROPRIATE NOTICE AND HEARING, MAY OBTAIN A  
5 JUDGMENT FOR REASONABLE ATTORNEY FEES AGAINST THE RESPONDENT  
6 OR PERSON MAKING THE REQUEST FOR SUCH COUNSEL OR BOTH THE  
7 RESPONDENT AND SUCH PERSON.

8 (6) THE RESPONDENT WHO IS SUBJECT TO CERTIFICATION FOR  
9 SHORT-TERM TREATMENT OR HIS OR HER ATTORNEY MAY AT ANY TIME  
10 FILE A WRITTEN REQUEST THAT THE COURT REVIEW THE CERTIFICATION  
11 FOR SHORT-TERM TREATMENT, THE TREATMENT, OR REQUEST THAT THE  
12 TREATMENT BE ON AN OUTPATIENT BASIS. IF A HEARING TO REVIEW IS  
13 REQUESTED, THE COURT SHALL HEAR THE MATTER WITHIN TEN CALENDAR  
14 DAYS AFTER THE REQUEST IS MADE, AND THE COURT SHALL PROVIDE  
15 NOTICE OF THE TIME AND PLACE OF THE HEARING TO THE RESPONDENT  
16 AND HIS OR HER ATTORNEY, AS WELL AS THE CERTIFYING AND TREATING  
17 PROFESSIONAL PERSON. THE HEARING MUST BE HELD IN ACCORDANCE  
18 WITH SECTION 27-81-112.7. AT THE CONCLUSION OF THE HEARING, THE  
19 COURT MAY ENTER OR CONFIRM THE CERTIFICATION FOR SHORT-TERM  
20 TREATMENT, DISCHARGE THE RESPONDENT, OR ENTER ANY OTHER  
21 APPROPRIATE ORDER.

22 (7) RECORDS AND PAPERS IN PROCEEDINGS PURSUANT TO THIS  
23 SECTION MUST BE MAINTAINED SEPARATELY BY THE CLERKS OF THE  
24 SEVERAL COURTS. UPON TERMINATION OF A CERTIFICATION FOR  
25 SHORT-TERM OR EXTENDED SHORT-TERM TREATMENT FOR SUBSTANCE  
26 MISUSE, THE APPROVED TREATMENT FACILITY SHALL FILE THE NOTICE OF  
27 TERMINATION OF INVOLUNTARY TREATMENT WITH THE CLERK OF THE

1 COURT WITHIN FIVE CALENDAR DAYS OF TERMINATION. THE CLERK SHALL  
2 IMMEDIATELY SEAL THE RECORD IN THE CASE AND OMIT THE NAME OF THE  
3 RESPONDENT FROM THE INDEX OF CASES IN THE COURT UNTIL AND UNLESS  
4 THE RESPONDENT BECOMES SUBJECT TO AN ORDER OF LONG-TERM CARE  
5 AND TREATMENT PURSUANT TO SECTION 27-81-112.3 OR UNTIL AND  
6 UNLESS THE COURT ORDERS THEM OPENED FOR GOOD CAUSE SHOWN. IN  
7 THE EVENT A PETITION FOR CERTIFICATION FOR LONG-TERM TREATMENT  
8 IS FILED PURSUANT TO SECTION 27-81-112.3, THE CERTIFICATION RECORD  
9 MAY BE OPENED AND BECOME A PART OF THE RECORD FOR THE  
10 LONG-TERM CARE AND TREATMENT CASE AND THE NAME OF THE  
11 RESPONDENT INDEXED.

12 (8) WHENEVER IT APPEARS TO THE COURT, BY REASON OF A  
13 REPORT BY A PROFESSIONAL PERSON TREATING THE RESPONDENT OR ANY  
14 OTHER REPORT SATISFACTORY TO THE COURT, THAT A RESPONDENT  
15 PLACED ON AN EMERGENCY HOLD FOR EVALUATION AND TREATMENT OR  
16 CERTIFIED FOR SHORT-TERM TREATMENT SHOULD BE TRANSFERRED TO  
17 ANOTHER APPROVED TREATMENT FACILITY FOR TREATMENT AND THAT  
18 THE SAFETY OF THE RESPONDENT OR THE PUBLIC REQUIRES THAT THE  
19 RESPONDENT BE TRANSPORTED BY A SHERIFF, THE COURT MAY ISSUE AN  
20 ORDER DIRECTING THE SHERIFF OR HIS OR HER DESIGNEE TO DELIVER THE  
21 RESPONDENT TO THE SUCCESSOR APPROVED TREATMENT FACILITY.

22 **SECTION 41.** In Colorado Revised Statutes, **add** 27-81-112.1 as  
23 follows:

24 **27-81-112.1. Extension of short-term treatment of persons**  
25 **who misuse substances or who are under the influence of substances.**  
26 IF THE FACILITY ADMINISTRATOR, OR HIS OR HER DESIGNEE, BELIEVES  
27 THAT A PERIOD LONGER THAN THREE MONTHS IS NECESSARY FOR

1 TREATMENT OF THE RESPONDENT, HE OR SHE SHALL FILE WITH THE COURT  
2 A PETITION FOR AN EXTENDED CERTIFICATION. AN EXTENDED  
3 CERTIFICATION FOR SHORT-TERM TREATMENT MUST NOT BE FOR A PERIOD  
4 OF MORE THAN THREE CONSECUTIVE MONTHS. THE RESPONDENT IS  
5 ENTITLED TO A HEARING ON THE EXTENDED CERTIFICATION UNDER THE  
6 SAME CONDITIONS AS IN AN ORIGINAL CERTIFICATION. THE ATTORNEY  
7 INITIALLY REPRESENTING THE RESPONDENT SHALL CONTINUE TO  
8 REPRESENT THAT PERSON, UNLESS THE COURT APPOINTS ANOTHER  
9 ATTORNEY.

10 **SECTION 42.** In Colorado Revised Statutes, **add** 27-81-112.3 as  
11 follows:

12 **27-81-112.3. Certification for involuntary long-term and**  
13 **extended long-term treatment of persons who misuse substances or**  
14 **who have a substance use disorder.** (1) WHENEVER A PERSON HAS  
15 RECEIVED SHORT-TERM AND EXTENDED SHORT-TERM TREATMENT FOR  
16 FIVE CONSECUTIVE MONTHS PURSUANT TO SECTION 27-81-112 OR  
17 27-81-112.1, THE PROFESSIONAL PERSON IN CHARGE OF THE PERSON'S  
18 EVALUATION AND TREATMENT MAY FILE A PETITION WITH THE COURT FOR  
19 CERTIFICATION FOR INVOLUNTARY LONG-TERM CARE AND TREATMENT IF  
20 THE FOLLOWING CONDITIONS ARE MET:

21 (a) A PROFESSIONAL PERSON ON STAFF AT THE APPROVED  
22 TREATMENT FACILITY PROVIDING SHORT-TERM AND EXTENDED  
23 SHORT-TERM TREATMENT HAS EVALUATED THE PERSON'S CONDITION AND  
24 HAS DETERMINED THAT THE PERSON MISUSES SUBSTANCES OR HAS A  
25 SUBSTANCE USE DISORDER AND, AS A RESULT, IS A DANGER TO SELF OR  
26 OTHERS OR IS GRAVELY DISABLED;

27 (b) A PROFESSIONAL PERSON ON STAFF AT THE APPROVED

1 TREATMENT FACILITY PROVIDING SHORT-TERM AND EXTENDED  
2 SHORT-TERM TREATMENT HAS ADVISED THE PERSON OF THE AVAILABILITY  
3 OF VOLUNTARY TREATMENT BUT THE PERSON HAS NOT ACCEPTED SUCH  
4 TREATMENT; EXCEPT THAT, IF REASONABLE GROUNDS EXIST TO BELIEVE  
5 THAT THE PERSON WILL NOT REMAIN IN A VOLUNTARY TREATMENT  
6 PROGRAM, HIS OR HER ACCEPTANCE OF VOLUNTARY TREATMENT SHALL  
7 NOT PRECLUDE AN ORDER PURSUANT TO THIS SECTION; AND

8 (c) THE TREATMENT FACILITY THAT WILL PROVIDE THE  
9 LONG-TERM TREATMENT HAS BEEN DESIGNATED OR APPROVED BY THE  
10 EXECUTIVE DIRECTOR TO PROVIDE SUCH TREATMENT.

11 (2) A PETITION FOR CERTIFICATION FOR INVOLUNTARY LONG-TERM  
12 TREATMENT MUST INCLUDE A REQUEST FOR A HEARING BEFORE THE COURT  
13 PRIOR TO THE EXPIRATION OF SIX MONTHS AFTER THE DATE OF THE  
14 ORIGINAL CERTIFICATION. THE APPROVED TREATMENT FACILITY SHALL  
15 PERSONALLY DELIVER A COPY OF THE PETITION TO THE PERSON FOR WHOM  
16 LONG-TERM TREATMENT IS BEING SOUGHT AND MAIL A COPY OF THE  
17 PETITION TO HIS OR HER ATTORNEY OF RECORD AT THE TIME OF THE  
18 FILING.

19 (3) WITHIN TEN CALENDAR DAYS AFTER THE RECEIPT OF THE  
20 PETITION, THE RESPONDENT OR HIS OR HER ATTORNEY MAY REQUEST A  
21 HEARING BY FILING A WRITTEN REQUEST WITH THE COURT.

22 (4) THE COURT SHALL DETERMINE WHETHER THE CONDITIONS OF  
23 SUBSECTION (1) OF THIS SECTION HAVE BEEN MET AND WHETHER THE  
24 RESPONDENT MISUSES SUBSTANCES OR HAS A SUBSTANCE USE DISORDER  
25 AND, AS A RESULT, IS A DANGER TO SELF OR OTHERS OR IS GRAVELY  
26 DISABLED. THE COURT SHALL ISSUE AN ORDER OF LONG-TERM TREATMENT  
27 FOR A TERM NOT TO EXCEED SIX MONTHS, OR IT SHALL DISCHARGE THE

1 RESPONDENT FOR WHOM LONG-TERM TREATMENT WAS SOUGHT, OR IT MAY  
2 ENTER ANY OTHER APPROPRIATE ORDER.

3 (5) WHEN A PETITION CONTAINS A REQUEST THAT A SPECIFIC  
4 LEGAL DISABILITY BE IMPOSED OR THAT A SPECIFIC LEGAL RIGHT BE  
5 DEPRIVED, THE COURT MAY ORDER THE DISABILITY IMPOSED OR THE RIGHT  
6 DEPRIVED IF THE COURT DETERMINES THAT THE RESPONDENT MISUSES  
7 SUBSTANCES OR HAS A SUBSTANCE USE DISORDER AND, AS A RESULT, IS  
8 DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED AND THAT, BY  
9 REASON THEREOF, THE PERSON IS UNABLE TO COMPETENTLY EXERCISE  
10 SAID RIGHT OR PERFORM THE FUNCTION AS TO WHICH THE DISABILITY IS  
11 SOUGHT TO BE IMPOSED. ANY INTERESTED PERSON MAY SEEK TO  
12 INTERVENE AS A CO-PETITIONER FOR THE PURPOSE OF SEEKING THE  
13 IMPOSITION OF A LEGAL DISABILITY OR THE DEPRIVATION OF A LEGAL  
14 RIGHT.

15 (6) AN ORIGINAL ORDER OF CERTIFICATION FOR INVOLUNTARY  
16 LONG-TERM TREATMENT OR ANY EXTENSION OF THE ORDER EXPIRES ON  
17 THE DATE SPECIFIED IN THE ORDER, UNLESS FURTHER EXTENDED AS  
18 PROVIDED IN THIS SUBSECTION (6). IF AN EXTENSION OF AN ORDER OF  
19 CERTIFICATION FOR INVOLUNTARY LONG-TERM TREATMENT IS SOUGHT,  
20 THE PROFESSIONAL PERSON IN CHARGE OF THE EVALUATION AND  
21 TREATMENT SHALL CERTIFY TO THE COURT AT LEAST THIRTY CALENDAR  
22 DAYS PRIOR TO THE ORDER'S EXPIRATION DATE THAT AN EXTENSION OF  
23 THE ORDER IS NECESSARY FOR THE CARE AND TREATMENT OF THE  
24 RESPONDENT SUBJECT TO THE ORDER. THE APPROVED TREATMENT  
25 FACILITY SHALL PERSONALLY DELIVER A COPY OF THE CERTIFICATION TO  
26 THE RESPONDENT AND SIMULTANEOUSLY MAIL A COPY TO HIS OR HER  
27 ATTORNEY. AT LEAST TWENTY CALENDAR DAYS BEFORE THE ORDER'S



1 EXPIRATION DATE, THE COURT SHALL PROVIDE THE RESPONDENT AND HIS  
2 OR HER ATTORNEY WITH WRITTEN NOTICE THAT A HEARING UPON THE  
3 EXTENSION MAY BE HAD BEFORE THE COURT UPON WRITTEN REQUEST TO  
4 THE COURT WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE NOTICE.  
5 IF A HEARING IS NOT REQUESTED BY THE RESPONDENT WITHIN TEN  
6 CALENDAR DAYS, THE COURT MAY PROCEED EX PARTE. IF A HEARING IS  
7 TIMELY REQUESTED, IT MUST BE HELD BEFORE THE EXPIRATION DATE OF  
8 THE EXISTING ORDER. IF THE COURT FINDS THAT THE RESPONDENT STILL  
9 MEETS THE CONDITIONS OF SUBSECTION (1) OF THIS SECTION, THE COURT  
10 SHALL ISSUE AN EXTENSION OF THE ORDER. THE EXTENSION MUST BE FOR  
11 A PERIOD NOT TO EXCEED SIX MONTHS, BUT THERE MAY BE AS MANY  
12 EXTENSIONS AS THE COURT ORDERS PURSUANT TO THIS SECTION.

13 **SECTION 43.** In Colorado Revised Statutes, **add** 27-81-112.5 as  
14 follows:

15 **27-81-112.5. Termination of certification for involuntary**  
16 **short-term and long-term treatment - leaving against court order.**

17 (1) AN ORIGINAL CERTIFICATION FOR INVOLUNTARY SHORT-TERM OR  
18 EXTENDED SHORT-TERM TREATMENT PURSUANT TO SECTION 27-81-112 OR  
19 27-81-112.1, OR CERTIFICATION FOR INVOLUNTARY LONG-TERM  
20 TREATMENT PURSUANT TO SECTION 27-81-112.3 OR ANY EXTENSION  
21 THEREOF, TERMINATES AS SOON AS, IN THE OPINION OF THE PROFESSIONAL  
22 PERSON IN CHARGE OF THE PERSON'S TREATMENT, THE PERSON HAS  
23 RECEIVED SUFFICIENT BENEFIT FROM TREATMENT FOR HIM OR HER TO  
24 LEAVE. WHENEVER A CERTIFICATION OR EXTENDED CERTIFICATION IS  
25 TERMINATED PURSUANT TO THIS SECTION, THE PROFESSIONAL PERSON IN  
26 CHARGE OF THE PERSON'S TREATMENT SHALL NOTIFY THE COURT IN  
27 WRITING WITHIN FIVE CALENDAR DAYS OF SUCH TERMINATION. THE

1 PROFESSIONAL PERSON MAY ALSO PRESCRIBE DAY CARE, NIGHT CARE, OR  
2 ANY SIMILAR MODE OF TREATMENT PRIOR TO TERMINATION.

3 (2) PRIOR TO TERMINATION, A PERSON WHO LEAVES AGAINST  
4 COURT ORDER MAY BE RETURNED TO THE FACILITY BY ORDER OF THE  
5 COURT WITHOUT A HEARING OR BY THE SUPERINTENDENT OR DIRECTOR OF  
6 THE APPROVED TREATMENT FACILITY WITHOUT ORDER OF THE COURT.  
7 AFTER TERMINATION OF A COURT ORDER, AN INDIVIDUAL MAY BE  
8 RETURNED TO THE APPROVED TREATMENT FACILITY ONLY IN ACCORDANCE  
9 WITH THE PROVISIONS OF THIS ARTICLE.

10 (3) A PROFESSIONAL PERSON AS DESIGNATED BY THE DIRECTOR OF  
11 AN APPROVED TREATMENT FACILITY MAY SIGN THE NOTICE OF  
12 TERMINATION OF INVOLUNTARY LONG-TERM TREATMENT.

13 **SECTION 44.** In Colorado Revised Statutes, **add** 27-81-112.7 as  
14 follows:

15 **27-81-112.7. Hearing procedures - jurisdiction.** (1) HEARINGS  
16 BEFORE THE COURT PURSUANT TO SECTIONS 27-81-111.3, 27-81-112, OR  
17 27-81-112.3 MUST BE CONDUCTED IN THE SAME MANNER AS OTHER CIVIL  
18 PROCEEDINGS BEFORE THE COURT. THE BURDEN OF PROOF IS UPON THE  
19 PERSON OR FACILITY SEEKING TO DETAIN THE INDIVIDUAL. THE COURT  
20 SHALL DETERMINE THAT THE PERSON IS IN NEED OF INVOLUNTARY  
21 EMERGENCY, SHORT-TERM, EXTENDED SHORT-TERM, OR LONG-TERM CARE  
22 AND TREATMENT ONLY IF THE COURT FINDS BY CLEAR AND CONVINCING  
23 EVIDENCE THAT THE PERSON MISUSES SUBSTANCES, IS UNDER THE  
24 INFLUENCE OF SUBSTANCES, OR HAS A SUBSTANCE USE DISORDER AND, AS  
25 A RESULT, IS A DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED.

26 (2) THE COURT, AFTER CONSULTATION WITH THE PERSON'S  
27 ATTORNEY, MAY APPOINT A PROFESSIONAL PERSON TO EXAMINE THE

1 PERSON FOR WHOM A CERTIFICATION FOR INVOLUNTARY SHORT-TERM OR  
2 LONG-TERM TREATMENT IS BEING SOUGHT AND TO TESTIFY AT THE  
3 HEARING BEFORE THE COURT AS TO THE RESULTS OF HIS OR HER  
4 EXAMINATION. THE COURT-ORDERED PROFESSIONAL PERSON SHALL ACT  
5 SOLELY IN AN ADVISORY CAPACITY, AND NO PRESUMPTION SHALL ATTACH  
6 TO HIS OR HER FINDINGS.

7 (3) AT THE CONCLUSION OF THE HEARING, THE COURT SHALL  
8 ADVISE A PERSON SUBJECT TO A CERTIFICATION FOR INVOLUNTARY  
9 SHORT-TERM, EXTENDED SHORT-TERM, LONG-TERM, OR EXTENDED  
10 LONG-TERM TREATMENT OF HIS OR HER RIGHT TO APPEAL THE  
11 CERTIFICATION.

12 (4) THE COURT IN WHICH THE CERTIFICATION IS FILED PURSUANT  
13 TO SECTION 27-81-111.3, 27-81-112, OR 27-81-112.3 IS THE COURT OF  
14 ORIGINAL JURISDICTION AND OF CONTINUING JURISDICTION FOR ANY  
15 FURTHER PROCEEDINGS PURSUANT TO THIS ARTICLE. WHEN THE  
16 CONVENIENCE OF THE PARTIES AND JUSTICE WOULD BE PROMOTED BY A  
17 CHANGE IN COURT JURISDICTION, THE COURT MAY ORDER A TRANSFER OF  
18 THE PROCEEDINGS TO ANOTHER COUNTY. UNTIL FURTHER ORDER, IF ANY,  
19 OF THE TRANSFEREE COURT, THE TRANSFEREE COURT IS THE COURT OF  
20 CONTINUING JURISDICTION.

21 (5) THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE  
22 PROCEEDING IS HELD OR A QUALIFIED ATTORNEY ACTING FOR THE  
23 DISTRICT ATTORNEY WHO HAS BEEN APPOINTED BY THE DISTRICT COURT  
24 FOR THAT PURPOSE SHALL CONDUCT ALL PROCEEDINGS PURSUANT TO THIS  
25 ARTICLE, INCLUDING PROCEEDINGS TO IMPOSE A LEGAL DISABILITY;  
26 EXCEPT THAT, IN ANY COUNTY OR IN ANY CITY AND COUNTY HAVING A  
27 POPULATION EXCEEDING FIFTY THOUSAND PERSONS, THE COUNTY

1 ATTORNEY OR A QUALIFIED ATTORNEY ACTING FOR THE COUNTY WHO HAS  
2 BEEN APPOINTED BY THE DISTRICT COURT SHALL CONDUCT THE  
3 PROCEEDINGS. IN A CASE IN WHICH THERE HAS BEEN A CHANGE OF VENUE  
4 TO A COUNTY OTHER THAN THE COUNTY OF RESIDENCE OF THE  
5 RESPONDENT OR THE COUNTY IN WHICH THE CERTIFICATION PROCEEDING  
6 WAS COMMENCED, THE COUNTY FROM WHICH THE PROCEEDING WAS  
7 TRANSFERRED SHALL EITHER REIMBURSE THE COUNTY TO WHICH THE  
8 PROCEEDING WAS TRANSFERRED AND IN WHICH THE PROCEEDING WAS  
9 HELD FOR THE REASONABLE COSTS INCURRED IN CONDUCTING THE  
10 PROCEEDING OR CONDUCT THE PROCEEDING ITSELF USING ITS OWN  
11 PERSONNEL AND RESOURCES, INCLUDING ITS OWN DISTRICT OR COUNTY  
12 ATTORNEY.

13 (6) UPON REQUEST OF A GUARDIAN APPOINTED PURSUANT TO  
14 ARTICLE 14 OF TITLE 15, C.R.S., THE GUARDIAN MAY INTERVENE IN ANY  
15 PROCEEDING PURSUANT TO THIS ARTICLE CONCERNING HIS OR HER WARD  
16 AND, THROUGH COUNSEL, MAY PRESENT EVIDENCE AND REPRESENT TO THE  
17 COURT THE GUARDIAN'S VIEWS CONCERNING THE APPROPRIATE  
18 DISPOSITION OF THE CASE.

19 **SECTION 45.** In Colorado Revised Statutes, 27-81-115, **amend**  
20 (1) as follows:

21 **27-81-115. Emergency service patrol - establishment - rules.**

22 (1) The unit and cities, counties, city and counties, and regional service  
23 authorities may establish emergency service patrols IN ACCORDANCE WITH  
24 RULES PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS SECTION.  
25 A patrol consists of persons trained to give assistance in the streets and  
26 in other public places to persons who ~~are intoxicated or incapacitated by~~  
27 ~~alcohol~~ MISUSE SUBSTANCES OR ARE UNDER THE INFLUENCE OF

1 SUBSTANCES. Members of an emergency service patrol ~~shall~~ MUST be  
2 capable of providing first aid in emergency situations and ~~shall be~~ ARE  
3 authorized to transport a person ~~intoxicated or incapacitated by alcohol~~  
4 WHO MISUSES SUBSTANCES, IS UNDER THE INFLUENCE OF SUBSTANCES, OR  
5 HAS A SUBSTANCE USE DISORDER to his or her home and to and from  
6 APPROVED treatment facilities.

7 **SECTION 46. Repeal of provisions being relocated in this act.**

8 In Colorado Revised Statutes, **repeal** 27-80-109, 27-80-110, 27-80-111,  
9 27-80-112, 27-80-113, 27-80-114, 27-80-115, 27-80-116, 27-80-117,  
10 27-81-103, 27-81-104, 27-81-105, 27-81-106, 27-81-107, 27-81-108,  
11 27-81-116, 27-81-117, 27-82-103, 27-82-104, 27-82-108, 27-82-111,  
12 27-82-112, and 27-82-113.

13 **SECTION 47. Repeal of provisions not being relocated in this**  
14 **act.** In Colorado Revised Statutes, **repeal** 27-81-109, 27-82-101,  
15 27-82-102, 27-82-105, 27-82-106, 27-82-107, 27-82-109, and 27-82-110.

16 **SECTION 48.** In Colorado Revised Statutes, 8-73-108, **amend**  
17 (4) introductory portion and (4) (b) (IV) (C) as follows:

18 **8-73-108. Benefit awards - repeal. (4) Full award.** An  
19 individual separated from a job shall be given a full award of benefits if  
20 any of the following reasons and pertinent conditions related thereto are  
21 determined by the division to have existed. The determination of whether  
22 or not the separation from employment ~~shall~~ MUST result in a full award  
23 of benefits shall be the responsibility of the division. The following  
24 reasons ~~shall~~ MUST be considered, along with any other factors that may  
25 be pertinent to ~~such~~ THE determination:

26 (b) (IV) The off-the-job or on-the-job use of not medically  
27 prescribed intoxicating beverages or controlled substances, as defined in

1 section 18-18-102 (5), C.R.S., may be reason for a determination for a  
2 full award pursuant to this paragraph (b), but only if:

3 (C) A worker who is not affiliated with an approved treatment  
4 program ~~must present~~ PRESENTS to the division within four weeks after  
5 the date of the medical statement referred to in sub-subparagraph (B) of  
6 this subparagraph (IV), substantiation of registration in a program of  
7 corrective action that will commence within four weeks after the date of  
8 the medical statement and that is provided by an approved ~~private~~  
9 treatment facility ~~or an approved public treatment facility~~ as defined in  
10 section 27-81-102, ~~(2) or (3)~~, C.R.S., or by ~~an alcoholics anonymous~~ A  
11 SOBRIETY SUPPORTS program. The substantiation ~~shall~~ MUST be in writing  
12 to the division and signed by an authorized representative of the approved  
13 treatment program.

14 **SECTION 49.** In Colorado Revised Statutes, 13-5-142, **amend**  
15 (1) (b) and (3) (b) (II) as follows:

16 **13-5-142. National instant criminal background check system**  
17 **- reporting.** (1) On and after March 20, 2013, the state court  
18 administrator shall send electronically the following information to the  
19 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
20 C.R.S., referred to within this section as the "bureau":

21 (b) The name of each person who has been ~~committed~~ CERTIFIED  
22 by order of the court ~~to the custody of the unit in the department of human~~  
23 ~~services that administers behavioral health programs and services,~~  
24 ~~including those related to mental health and substance abuse,~~ pursuant to  
25 ~~section 27-81-112 or 27-82-108,~~ SECTION 27-81-111.3, 27-81-112,  
26 27-81-112.1, OR 27-81-112.3, C.R.S.; and

27 (3) The state court administrator shall take all necessary steps to

1 cancel a record made by the state court administrator in the national  
2 instant criminal background check system if:

3 (b) No less than three years before the date of the written request:

4 (II) The period of ~~commitment of~~ TREATMENT RESULTING FROM  
5 the most recent order of ~~commitment or recommitment~~ CERTIFICATION OR  
6 RECERTIFICATION OF INVOLUNTARY SHORT-TERM, EXTENDED  
7 SHORT-TERM, LONG-TERM, OR EXTENDED LONG-TERM TREATMENT  
8 expired, or a court entered an order terminating the person's incapacity or  
9 discharging the person from ~~commitment~~ TREATMENT in the nature of  
10 habeas corpus, if the record in the national instant criminal background  
11 check system is based on an order of ~~commitment to the custody of the~~  
12 ~~unit in the department of human services that administers behavioral~~  
13 ~~health programs and services, including those related to mental health and~~  
14 ~~substance abuse~~ CERTIFICATION; except that the state court administrator  
15 shall not cancel any record pertaining to a person ~~with respect to whom~~  
16 ~~two recommitment orders have been entered under section 27-81-112 (7)~~  
17 ~~and (8)~~ WHO HAS BEEN CERTIFIED TWO OR MORE TIMES BY COURT ORDER  
18 PURSUANT TO SECTION 27-81-112, 27-81-112.1, OR 27-81-112.3, C.R.S.,  
19 or who was discharged from treatment ~~under section 27-81-112 (11)~~  
20 PURSUANT TO SECTION 27-81-112.5, C.R.S., on the grounds that further  
21 treatment will not be likely to bring about significant improvement in the  
22 person's condition; or

23 **SECTION 50.** In Colorado Revised Statutes, 13-5-142.5, **amend**  
24 (2) (a) (II) as follows:

25 **13-5-142.5. National instant criminal background check**  
26 **system - judicial process for awarding relief from federal**  
27 **prohibitions - legislative declaration. (2) Eligibility.** A person may

1 petition for relief pursuant to this section if:

2 (a) (II) He or she has been ~~committed~~ CERTIFIED by order of the  
3 court to ~~the custody of the unit in the department of human services that~~  
4 ~~administers behavioral health programs and services, including those~~  
5 ~~related to mental health and substance abuse, pursuant to section~~  
6 ~~27-81-112 or 27-82-108~~ SECTION 27-81-112, 27-81-112.1, OR  
7 27-81-112.3, C.R.S.; or

8 **SECTION 51.** In Colorado Revised Statutes, 13-9-123, **amend**  
9 (1) (b) and (3) (b) (II) as follows:

10 **13-9-123. National instant criminal background check system**  
11 **- reporting.** (1) On and after March 20, 2013, the state court  
12 administrator shall send electronically the following information to the  
13 Colorado bureau of investigation created pursuant to section 24-33.5-401,  
14 C.R.S., referred to within this section as the "bureau":

15 (b) The name of each person who has been ~~committed~~ CERTIFIED  
16 by order of the court to ~~the custody of the unit in the department of human~~  
17 ~~services that administers behavioral health programs and services,~~  
18 ~~including those related to mental health and substance abuse, pursuant to~~  
19 ~~section 27-81-112 or 27-82-108~~ SECTION 27-81-112, 27-81-112.1, OR  
20 27-81-112.3, C.R.S.; and

21 (3) The state court administrator shall take all necessary steps to  
22 cancel a record made by the state court administrator in the national  
23 instant criminal background check system if:

24 (b) No less than three years before the date of the written request:

25 (II) The period of ~~commitment~~ TREATMENT of the most recent  
26 order of ~~commitment or recommitment~~ CERTIFICATION OR  
27 RECERTIFICATION FOR INVOLUNTARY SHORT-TERM, EXTENDED



1 SHORT-TERM, LONG-TERM, OR EXTENDED LONG-TERM TREATMENT  
2 expired, or the court entered an order terminating the person's incapacity  
3 or discharging the person from ~~commitment~~ TREATMENT in the nature of  
4 habeas corpus, if the record in the national instant criminal background  
5 check system is based on an order of ~~commitment to the custody of the~~  
6 ~~unit in the department of human services that administers behavioral~~  
7 ~~health programs and services, including those related to mental health and~~  
8 ~~substance abuse~~ CERTIFICATION; except that the state court administrator  
9 shall not cancel any record pertaining to a person ~~with respect to whom~~  
10 ~~two recommitment orders have been entered under section 27-81-112 (7)~~  
11 ~~and (8)~~ WHO HAS BEEN CERTIFIED TWO OR MORE TIMES BY COURT ORDER  
12 PURSUANT TO SECTION 27-81-112, 27-81-112.1, OR 27-81-112.3, C.R.S.,  
13 or who was discharged from treatment ~~under section 27-81-112 (11)~~  
14 PURSUANT TO SECTION 27-81-112.5, C.R.S., on the grounds that further  
15 treatment will not be likely to bring about significant improvement in the  
16 person's condition; or

17 **SECTION 52.** In Colorado Revised Statutes, 13-9-124, **amend**  
18 (2) (a) (II) as follows:

19 **13-9-124. National instant criminal background check system**  
20 **- judicial process for awarding relief from federal prohibitions -**  
21 **legislative declaration. (2) Eligibility.** A person may petition for relief  
22 pursuant to this section if:

23 (a) (II) He or she has been ~~committed~~ CERTIFIED by order of the  
24 court ~~to the custody of the unit in the department of human services that~~  
25 ~~administers behavioral health programs and services, including those~~  
26 ~~related to mental health and substance abuse, pursuant to section~~  
27 ~~27-81-112 or 27-82-108~~ SECTION 27-81-112, 27-81-112.1, OR

1 27-81-112.3, C.R.S.; or

2 **SECTION 53.** In Colorado Revised Statutes, 13-90-107, **amend**

3 (1) (m) (IV) (C) and (1) (m) (IV) (D) as follows:

4 **13-90-107. Who may not testify without consent - definitions.**

5 (1) There are particular relations in which it is the policy of the law to  
6 encourage confidence and to preserve it inviolate; therefore, a person  
7 shall not be examined as a witness in the following cases:

8 (m) (IV) This paragraph (m) shall not apply in cases in which:

9 ~~(C) Due to alcohol or other substance intoxication or abuse, as~~  
10 ~~described in sections 27-81-111 and 27-82-107, C.R.S.,~~ THE PERSON  
11 EITHER MISUSES SUBSTANCES, IS UNDER THE INFLUENCE OF SUBSTANCES,  
12 OR HAS A SUBSTANCE USE DISORDER AND, AS A RESULT, the person  
13 receiving peer support is a ~~clear and immediate danger to the person's self~~  
14 ~~or others~~ DANGER TO SELF OR OTHERS OR IS GRAVELY DISABLED, AS  
15 DEFINED IN SECTION 27-81-102, C.R.S.;

16 (D) There is reasonable cause to believe that the person receiving  
17 peer support has a mental illness and, due to the mental illness, is ~~an~~  
18 ~~imminent threat to himself or herself~~ A DANGER TO SELF or others or is  
19 gravely disabled as THOSE TERMS ARE defined in section 27-65-102,  
20 C.R.S.; or

21 **SECTION 54.** In Colorado Revised Statutes, 16-13-701, **amend**

22 (4) as follows:

23 **16-13-701. Reporting of forfeited property.** (4) The unit in the  
24 department of human services that administers behavioral health  
25 programs and services, including those related to mental health and  
26 substance ~~abuse~~ MISUSE, shall prepare an annual accounting report of  
27 moneys received by the managed service organization pursuant to section

1 16-13-311 (3) (a) (VII) (B), including revenues, expenditures, beginning  
2 and ending balances, and services provided. The unit in the department  
3 of human services that administers behavioral health programs and  
4 services, including those related to mental health and substance ~~abuse~~  
5 MISUSE, shall provide this information in its annual report pursuant to  
6 ~~section 27-80-110~~ SECTION 27-80-115.5, C.R.S.

7 **SECTION 55.** In Colorado Revised Statutes, 18-12-202, **amend**  
8 (3) (a) and (3) (b) (I) as follows:

9 **18-12-202. Definitions.** As used in this part 2, unless the context  
10 otherwise requires:

11 (3) "Chronically and habitually uses alcoholic beverages to the  
12 extent that the applicant's normal faculties are impaired" means:

13 (a) The applicant has at any time been ~~committed~~ CERTIFIED FOR  
14 INVOLUNTARY SHORT-TERM, EXTENDED SHORT-TERM, OR LONG-TERM  
15 TREATMENT ~~as an alcoholic~~ pursuant to ~~section 27-81-111 or 27-81-112~~  
16 SECTION 27-81-112, 27-81-112.1, OR 27-81-112.3, C.R.S.; or

17 (b) Within the ten-year period immediately preceding the date on  
18 which the permit application is submitted, the applicant:

19 (I) Has been ~~committed as an alcoholic~~ CERTIFIED FOR  
20 INVOLUNTARY SHORT-TERM, EXTENDED SHORT-TERM, LONG-TERM, OR  
21 EXTENDED LONG-TERM TREATMENT AS A PERSON WHO MISUSES  
22 SUBSTANCES OR WHO IS UNDER THE INFLUENCE OF SUBSTANCES pursuant  
23 to ~~section 27-81-109 or 27-81-110~~ SECTION 27-81-112, 27-81-112.1, OR  
24 27-81-112.3, C.R.S.; or

25 **SECTION 56.** In Colorado Revised Statutes, 18-19-103.5,  
26 **amend** (2) (b) and (4) as follows:

27 **18-19-103.5. Rural substance use disorder - repeal.** (2) The

1 clerk of the court shall disburse the surcharge required by subsection (1)  
2 of this section as follows:

3 (b) Ninety-five percent shall be disbursed to the state treasurer  
4 who shall credit the same to the rural ~~alcohol and substance abuse~~  
5 SUBSTANCE USE DISORDERS cash fund created in ~~section 27-80-117 (3)~~  
6 SECTION 27-80-123 (3), C.R.S.

7 (4) This section is repealed, effective July 1, 2016, unless the  
8 general assembly extends the repeal of the rural ~~alcohol and substance~~  
9 ~~abuse~~ SUBSTANCE USE DISORDERS prevention and treatment program  
10 created in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

11 **SECTION 57.** In Colorado Revised Statutes, 24-34-104, **amend**  
12 (47) (c) as follows:

13 **24-34-104. General assembly review of regulatory agencies**  
14 **and functions for termination, continuation, or reestablishment.**

15 (47) The following agencies, functions, or both, shall terminate on July  
16 1, 2016:

17 (c) The rural ~~alcohol and substance abuse~~ SUBSTANCE USE  
18 DISORDERS prevention and treatment program created pursuant to ~~section~~  
19 ~~27-80-117~~ SECTION 27-80-123, C.R.S., within the unit in the department  
20 of human services that administers behavioral health programs and  
21 services, including those related to mental health and substance abuse;

22 **SECTION 58.** In Colorado Revised Statutes, 25-1-1202, **amend**  
23 (1) (ss); and **repeal** (1) (vv) as follows:

24 **25-1-1202. Index of statutory sections regarding medical**  
25 **record confidentiality and health information.** (1) Statutory provisions  
26 concerning policies, procedures, and references to the release, sharing,  
27 and use of medical records and health information include the following:

1 (ss) Sections 27-81-110, 27-81-111, 27-81-111.3, 27-81-112,  
2 27-81-112.3, and 27-81-113, C.R.S., concerning the treatment of  
3 ~~intoxicated~~ persons WHO MISUSE SUBSTANCES, ARE UNDER THE INFLUENCE  
4 OF SUBSTANCES, OR HAVE A SUBSTANCE USE DISORDER;

5 (vv) ~~Sections 27-82-106 and 27-82-109, C.R.S., concerning the~~  
6 ~~treatment of drug abusers;~~

7 **SECTION 59.** In Colorado Revised Statutes, 25.5-5-203, **amend**  
8 (1) (l) as follows:

9 **25.5-5-203. Optional programs with special state provisions.**

10 (1) Subject to the provisions of subsection (2) of this section, this section  
11 specifies programs developed by Colorado to increase federal financial  
12 participation through selecting optional services or optional eligible  
13 groups. These programs include but are not limited to:

14 (l) The treatment program for high-risk pregnant women, as  
15 specified in ~~section 27-80-112~~ SECTION 27-80-118, C.R.S., and sections  
16 25.5-5-309, 25.5-5-310, and 25.5-5-311;

17 **SECTION 60.** In Colorado Revised Statutes, 42-4-1301.3,  
18 **amend** (4) (a) as follows:

19 **42-4-1301.3. Alcohol and drug driving safety program.**

20 (4) (a) There is hereby created an alcohol and drug driving safety  
21 program fund in the office of the state treasurer to the credit of which  
22 shall be deposited all moneys as directed by this paragraph (a). The  
23 assessment in effect on July 1, 1998, shall remain in effect unless the  
24 judicial department and the unit in the department of human services that  
25 administers behavioral health programs and services, including those  
26 related to mental health and substance ~~abuse~~ USE DISORDERS, have  
27 provided to the general assembly a statement of the cost of the program,

1 including costs of administration for the past and current fiscal year to  
2 include a proposed change in the assessment. The general assembly shall  
3 then consider the proposed new assessment and approve the amount to be  
4 assessed against each person during the following fiscal year in order to  
5 ensure that the alcohol and drug driving safety program established in this  
6 section ~~shall be~~ IS financially self-supporting. Any adjustment in the  
7 amount to be assessed shall be so noted in the appropriation to the judicial  
8 department and the unit in the department of human services that  
9 administers behavioral health programs and services, including those  
10 related to mental health and substance ~~abuse~~ USE DISORDERS, as a  
11 footnote or line item related to this program in the general appropriation  
12 bill. The state auditor shall periodically audit the costs of the programs to  
13 determine that they are reasonable and that the rate charged is accurate  
14 based on these costs. Any other fines, fees, or costs levied against such  
15 person shall not be part of the program fund. The amount assessed for the  
16 alcohol and drug evaluation shall be transmitted by the court to the state  
17 treasurer to be credited to the alcohol and drug driving safety program  
18 fund. Fees charged under ~~sections 27-81-106 (1) and 27-82-103 (1)~~  
19 SECTION 27-80-109.5, C.R.S., to approved ~~alcohol and drug~~ treatment  
20 facilities that provide level I and level II programs as provided in  
21 paragraph (c) of subsection (3) of this section shall be transmitted to the  
22 state treasurer, who shall credit the fees to the alcohol and drug driving  
23 safety program fund. Upon appropriation by the general assembly, these  
24 funds shall be expended by the judicial department and the unit in the  
25 department of human services that administers behavioral health  
26 programs and services, including those related to mental health and  
27 substance ~~abuse~~ USE DISORDERS, for the administration of the alcohol and

1 drug driving safety program. In administering the alcohol and drug  
2 driving safety program, the judicial department is authorized to contract  
3 with any agency for such services as the judicial department deems  
4 necessary. Moneys deposited in the alcohol and drug driving safety  
5 program fund shall remain in said fund to be used for the purposes set  
6 forth in this section and shall not revert or transfer to the general fund  
7 except by further act of the general assembly.

8 **SECTION 61.** In Colorado Revised Statutes, 42-4-1307, **amend**  
9 (10) (d) as follows:

10 **42-4-1307. Penalties for traffic offenses involving alcohol and**  
11 **drugs - repeal.** (10) **Additional costs and surcharges.** In addition to the  
12 penalties prescribed in this section:

13 (d) (I) Persons convicted of DUI, DUI per se, and DWAI are  
14 subject to a surcharge of at least one dollar but no more than ten dollars  
15 for programs to fund efforts to address ~~alcohol and substance abuse~~  
16 SUBSTANCE MISUSE AND SUBSTANCE USE DISORDER problems among  
17 persons in rural areas. The surcharge shall be mandatory, and the court  
18 shall not have discretion to suspend or waive the surcharge; except that  
19 the court may suspend or waive the surcharge if the court determines that  
20 a person is indigent. Any moneys collected for the surcharge shall be  
21 transmitted to the state treasurer, who shall credit the same to the rural  
22 ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS cash fund  
23 created in ~~section 27-80-117~~ SECTION 27-80-123 (3), C.R.S.

24 (II) This paragraph (d) is repealed, effective July 1, 2016, unless  
25 the general assembly extends the repeal of the rural ~~alcohol and substance~~  
26 ~~abuse~~ SUBSTANCE USE DISORDERS prevention and treatment program  
27 created in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

1           **SECTION 62.** In Colorado Revised Statutes, 42-4-1701, **amend**  
2 (4) (f) as follows:

3           **42-4-1701. Traffic offenses and infractions classified -**  
4 **penalties - penalty and surcharge schedule - repeal.** (4) (f) (I) In  
5 addition to the surcharge specified in sub-subparagraph (N) of  
6 subparagraph (I) of paragraph (a) of this subsection (4), an additional  
7 surcharge of five dollars shall be assessed for a violation of section  
8 42-4-1301 (2) (a.5). Moneys collected pursuant to this paragraph (f) shall  
9 be transmitted to the state treasurer who shall deposit such moneys in the  
10 rural ~~alcohol and substance abuse~~ SUBSTANCE USE DISORDERS cash fund  
11 created in ~~section 27-80-117~~ SECTION 27-80-123 (3), C.R.S., within  
12 fourteen days after the end of each quarter, to be used for the purposes set  
13 forth in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

14           (II) If the additional surcharge is collected by a county court, the  
15 additional surcharge shall be six dollars of which one dollar shall be  
16 retained by the county and the remaining five dollars shall be transmitted  
17 to the state treasurer and credited to the rural ~~alcohol and substance abuse~~  
18 SUBSTANCE USE DISORDERS cash fund created in ~~section 27-80-117~~  
19 SECTION 27-80-123, C.R.S., within fourteen days after the end of each  
20 quarter, to be used for the purposes set forth in ~~section 27-80-117~~  
21 SECTION 27-80-123, C.R.S.

22           (III) This paragraph (f) is repealed, effective July 1, 2016, unless  
23 the general assembly extends the repeal of the rural ~~alcohol and substance~~  
24 ~~abuse~~ SUBSTANCE USE DISORDERS prevention and treatment program  
25 created in ~~section 27-80-117~~ SECTION 27-80-123, C.R.S.

26           **SECTION 63. Effective date.** This act takes effect January 1,  
27 2015; except that section 2 takes effect July 1, 2014.



1           **SECTION 64. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.